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The Sin of the Prophet

THE SIN OF the Prophet

by TRUMAN NÉLSON



Little, Brown and Company · Boston

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LIBRARY OF CONGRESS CATALOG CARD NO. 52-5007

FIRST EDITION

*Published simultaneously
in Canada by McClelland and Stewart Limited*

PRINTED IN THE UNITED STATES OF AMERICA

To the memory of a friend to man

F. O. Matthiessen

A very few, as heroes, patriots, martyrs, reformers in the great sense, and *men*, serve the state with their consciences also, and so necessarily resist it for the most part; and they are commonly treated as enemies by it.

— HENRY DAVID THOREAU

Note

This book should be read as fiction. That the names are great ones and well remembered is only incidental. The event is told as it happened, the chronology used is fairly exact because it makes a better story that way. And yet these men cannot be falsely exploited; the writer owes them a measure of truth and chose this complex form because he feels he has, as Emerson said, *knowledge that cannot be abstractly imparted, which needs the combinations and complexities of social action to point it out . . . by indication as well as in the didactic way and can thereby express the fluxional qualities and values which the thesis or dissertation can never give.*

—T. N.

B O O K O N E

The Event

THE FIRST WAVE

~~~~~

FIRST THE EVENT. It came on like the spring tide which slowly and massively invades the neglected heights of the beachhead and then throws from its cold arsenal writhing, frothing lines of assault mounting in power until the big wave rears up and falls with a crash and then runs with white-tipped fingers and tongues to pluck and suck blocks of granite from sea walls and strew them in its deep. And then tosses on its coronated peaks boats and buildings torn away and engulfs people and draws their rescuers in and sweeps them beyond grasping or smothers them into liquid graves or leaves them crushed and exhausted on the evacuated sand.

Think in black and white. Fill and hollow the space of this time with monochrome and strong chiaroscuro but not with the deep incising of a needle. This is a time unfixed, nervous and baroque. And it was clear and then unclear as only black and white can be in the manipulation of shadows and sudden light without the surface tenderness and evocations of color. Fix it with a greasy crayon on limestone and follow the line and do not let it stop.

Not this in easy symbolism. The wave was a black wave on a white beach at night. The red bricks of the old revolutionary buildings in Boston where it mostly happened had faded into dusty pink and were dwarfed and shrunken by new cubes of granite setting forth the temples of law, money and religion. The shadows lay black and cold between them where the sunny green grass and gardens had been and the rich mud of the streets was bubbled with gray cobblestones.

The men wore black in winter and white in summer. Even the young and rebellious dared only a gray or an indecisive tweed. It was an age of black and white. Things happened too fast to touch it and tint it and make it mellow or bright.

. . . Like the two men who met in a top-floor study that was the heart of the biggest private library in Boston. One was black. The other was



white. The black man was a waiter from the Revere House, the city's best hotel. He had run all the way to this house on Exeter Place that morning, still in his white coat and apron.

The white man wore a black coat as his only concession to the orthodox, who had made him a pariah in his chosen profession. He was a preacher. His name was Theodore Parker. His age was forty-three. He looked sixty. His head was bald and his beard was gray. But he was a powerful man and could bend the energy of a massive chest and big shoulders, the heritage of farmer stock, to a stint of twelve or thirteen hours of reading and studying a day.

The Negro's name is unimportant. It was never given, never asked. He had only begun to count the waves, the smaller ones before the ninth or tenth that our elders say is the big one. Everybody else knew it was coming too, but they turned their backs and built granite walls to keep it out.

He told Parker he had served two slave hunters at breakfast. He had found in devious and forbidden ways, for the owner of the hotel was a Northern man with Southern principles, that their names were Colonel Charles Suttle and William Brent and that they were from Falmouth in Virginia. The Colonel was impressive with a sweeping mustache and a billy-goat beard. His companion was small, neat, and clean-shaven and appeared to be, to use an old-fashioned word since unsurpassed for its accuracy, a toady.

Parker took the news without skepticism, remarking only that it would have been better if the waiter had known whom they were looking for as now he had a great number of fugitives to warn. The waiter said he would do his best on this score and left.

After he had gone, Parker sat thinking for a few minutes and then pulled over an unfinished letter to the Honorable Senator Seward of New York. He scratched in an end part with his almost indecipherable handwriting:

Now this must not be. The nation must arouse itself. I have been waiting for a long time for some event to occur which would blow so loud a horn that it should waken the north, startling the farmer at his plow and the mechanic in his shop. I believe this time is coming so I want to have a convention of all the free states in Buffalo, the Fourth of July next, to consider the state of the Union and to take measures; One: to check. Two: to terminate the enslavement of men in America. I wish you would advise me in this matter for I confess I look to you with a great deal of confidence in these times of peril to freedom.

Then he opened his journal and scribbled a date on the page.

*May 22, 1854.* We must have a dreadful chastisement one day. I suppose it will come from our own towns, from civil war.

He closed it and laid it aside and began to cut the pages of a new book with a heavy knife. As the blade slid through and feathered the edges of the paper, he felt a chill of sadness and thought of the plumes of the hearse horses and the final cut of life revealing the last page and the blankness of the end. He opened his journal again and wrote:

Today is the anniversary of the death of my dearest sister Emily. All of my father's children, save my brother, nearly sixty, and myself, are dead. They all had the critical period of their lives from forty-three to forty-nine. Five of them died about that age. Only one surpassed it. Now I am in that critical period. If I survive the next five years I shall go on to eighty like my father. I have much work to do. I must get around the Cape.

\* \* \* \*

One mechanic had left his lathe in the Mattapan Iron Works that very day because of man's injustice to his kind. He was a straw-colored man of twenty-six with sandy cheeks cut up and down with wrinkles and muscles like ropes around his mouth from talking. His eyes were almost colorless and his lashes white. He walked with his head resting on the back of his spine and his long neck, bisected with an enormous Adam's apple, curved from jawbone to clavicle like a bow bent to the breaking point with a raw-hide string.

He was very neat and trim, slim of waist and shoulders. He had a mincing, toed-out step and was dressed in a hand-me-down broadcloth coat slightly too large for him. It needed pressing.

His name was Nick Queeny and he had been of great service to the Democrats in the election past. He had written a few articles in a deliberately misspelled from-me-to-you style for the local party press, saying the small untrue and scurrilous things about the opposing candidates that nobody of importance could, and would have to disown if he did.

Now he was going to claim his reward, or rather demand it because he hadn't heard a word from the local satraps since they had swept triumphantly into power. He had brooded stormily at his lathe since he read of Mr. Hawthorne's appointment to a fat job in Liverpool and felt that he, proportionately rated against Hawthorne's campaign biography of President Pierce, should at least get a job in the Custom House.

He decided to drop into a sailor's slopshop on Brattle Street and have his coat ironed. He knew it well.

When he had been a nipper living around the Shipyards he had gone there many times to beg a delivery job and soak up a little heat. He had had his first romance there with a seamstress, a shy sickly girl forever struggling with the dirty clothes of the sailors, squirming away from their heavy hands and blushing as they stripped down to hairy legs and threw their trousers at her to mend.

He hoped she was still there and he could tell her about his success and let her see his clean hands and impressive coat.

He went in and was shocked to be greeted by an old Negro who was obviously the proprietor. He had no deep prejudices and the former owner had been a mean and scrimy Yankee, but he had been white and even if he did molest the girls it wasn't this bad. The patronizing half-friendly greeting he had prepared for the ex-owner changed into resentment. The old Negro looked at him with weak questioning eyes. He mumbled something about having his coat pressed and the old man waved him over to the same corner where he had sat so many times with Polly.

But there was another Negro in the corner, a tall well-built man of his own age, clumsily cutting the buttons off an old coat. Nick took his off and handed it over. The Negro laid it on an ironing board and lifted a hot iron with a right hand badly maimed, a broken bone sticking out of it an inch high.

The Negro saw the look of horror on Nick's face and shifted the iron to his left. His bad hand began to tremble and the great purple scar on the back of it seemed almost luminous. He pawed at the coat sleeves with the iron instead of stroking it and then plowed up the back like a canal boat, leaving a wake of wrinkles feathering out to the seam.

— That's enough, that's enough, said Nick. He took up the coat and slipped it on. He put a coin down on the ironing board. He had seen that hand before, somewhere, but he couldn't quite place it. The other man pushed the money back at him with a sad smile to give him to understand that he was sorry about the wrinkles. Nick pushed it back. The man turned away. Nick gave it to the proprietor, hesitated, was about to say no wonder people don't want you here, thought better of it and left.

— Know him Tony? said Coffin Pitts, the proprietor. Tony shook his head.

— Didn't you want to take his money?

— 'Twan't wuth it. I made the wrinkles worse.

— I fergot about yore bad hand, Tony. 'Course you couldn't do it with

the left. Still it never does to give a white man back his money. Jes' makes them suspicious. It wasn't a man you knew? I'd hate to lose you, Tony. He wasn't a man you broke away from spying you out? Tell me. It might be good to tell me.

— No, Deacon Pitts. I spoke the truth. I broke away from no man. I fell asleep on a ship.

— All right, Tony. It makes no difference to me. I'd just like to show more care if you broke away. I'd admire you for it if that's the truth.

— I said the truth, Deacon. I can't say I broke away.

\* \* \* \* \*

Parker left the house for the back side of Beacon Hill to visit three or four boardinghouses where there were fugitives. His orderly researcher's mind was troubled by the vagueness of his task. The sight of the Cambridge coach about to leave Bowdoin Square reminded him of a young Virginian, an admirer of his, now attending Harvard Divinity School. He got on it just in time and as it rolled over the West Bridge, he rifled his memories of the young man. They became disturbing as he groped for the incidents of their first meeting. The man had come into his library one morning with a letter from an anti-slavery friend and introduced himself as a Southern student at the college. He had gone on to tell of a fugitive, the husband of a slave of his family, and said that the wife left in bondage was pining to hear from her mate and that he had heard that Parker knew everyone in Boston. Parker took down his name and told him to return. He looked him up and found his name was Conway, a former Methodist preacher, and that he had spent much of the previous summer with Emerson and Thoreau at Concord, boarding with the Hunt girls. Such references were above reproach so a few days later he had taken him among the fugitives, only to find that the fleeing husband had reached Canada. Parker had thought little of it at the time, being used for like missions over and over again. He anxiously sifted his impressions of the man's demeanor at the colored boardinghouse, trying to recall the sidelong glance or the voice tremble of a betrayer. By the time he got off the coach at the square, he was half-convinced that he had been the dupe of an informer.

He went directly to Divinity Hall and found the room of Moncure Conway. He knocked and was admitted. When Conway saw who it was, he was greatly startled and stepped back a moment to cover with a book a letter he was writing on the table. Parker waved aside an excessively complimentary greeting and came down hard with a question.

— Do you know a man named Suttle from Virginia?

— Yes, sir, I do.

— And a man named William Brent?

— Mr. Brent is distantly connected with my family, sir.

— What are they doing in Boston?

— I'm sure I don't know, Mr. Parker.

— Have you seen them?

— No. I've never been friendly with Colonel Suttle. In fact, there is bad blood between us.

Conway tried to ingratiate. — He ran against my Uncle Richard for the Legislature and I wrote a squib about him for the Fredericksburg paper. I almost got horsewhipped for it. Why do you ask, sir?

— We've just got a report from the Revere House. They're in town — slave hunting, no doubt.

— I don't think Colonel Suttle had many servants, sir. He might have had a few mortgaged out, but it wouldn't be his responsibility to catch them if they ran away.

As Parker looked at him, Conway sensed that he was suspected. His mind flashed back to the day in the colored boardinghouse. He had been overcome, as he put it, with the pleasant way of Parker with the humble women clustering about him. He had been as sweet and soft with them as he was hard now. So Parker thought he had been spying that day. He suddenly wanted to get out into the hall's dimness and coolness.

— There's someone here that wants to see you, he blurted. — Be right back. He opened the door and darted out. Parker made no move to stop him or to go himself. The moment gave him a chance to look at the letter that Conway had hidden so furtively. He lifted the book over it. The book was a translation of the *Bhagavad-Gita* and was Emerson's copy. What a perfect coloration has this serpent. Then he read the letter. It was not to Colonel Suttle giving the address and occupants of a boardinghouse on Southac Street. It was to Theodore Parker asking him to preach the commencement sermon.

He was amazed. There had been a glass-studded wall of hatred between him and the school for many years . . . since he had said that the Egyptians could embalm a mummy in seventy days while the Divinity professors took three years to mummify a student. He said that one of its savants was milking a barren heifer while the other was holding a sieve.

Conway returned to Parker with another student and together they told him that their class had unanimously voted to have him preach and that they had intended to call on him that afternoon.



— What luck you dropped in, said the other one.

Parker smiled sheepishly at Conway. — I can imagine how startled I looked to see you, Moncure said.

— Well, it is true that I am a clergyman and do preach sermons at the Music Hall. But it is also true that I am called by the organized clergy an infidel and, outside of the political arena, I don't think there is a man more hated than I in this state. Parker paused, shaping up his refusal.

The two boys protested almost too fervently.

— Of course, this hatred is mainly due to certain strong opinions I entertain about religion and morals.

— I have never heard your ability criticized, sir, said Conway.

— Perhaps not, or that I lacked reverence to God or love for man, or had disregard for truth and justice.

Moncure held his peace on that one. Parker had been scored for his seeming irreverence, for his hatred toward conservatives. The truth and justice of his infamous sermon on Webster had brought wild protests that there was neither truth nor justice in its corrosive text.

— Still they call me an enemy to religion. I once loved pleasure and religion kept me in. I love ease and I can't take it. I loved money and I had plans and good prospects of taking in a hundred thousand dollars but religion forbade me to be rich while the poor needed food and the ignorant to go to college. Religion keeps me doing a thousand things I do not like to do. I love fame and yet for religion I took a path I knew would lead me to infamy all my life and if anything comes of it, it will be when I am wholly oblivious of all such things.

He picked up one or two of the books on the table. They were elegantly bound and the two boys looking at him were sleek and groomed. Their voices were soft. He sat in a chair by the window and looked out at the flowering and sedately swaying elms. His voice got sharper as though he were arguing against a division in himself.

— I love the society of cultivated people, a good name, respectability and all that. My religious convictions have deprived me of them all . . . have made me an outcast and the companion of outcasts. I see men staring at me in the street, and saying There goes Theodore Parker, and looking at me as though I were a murderer. Old friends, even parishioners, will not bow to me in public. I knew this would happen, mind you. It has come from my religion for all the world would give. Go thou and preach.

The two boys were disturbed by this oration. They didn't know why he should have unburdened himself, abased himself, for them. They wondered if it was criticism of them. Conway's friend said nervously,

— We'd like to have you speak on miracles. That was unanimous too.

— I can't preach for you, Parker said. — I must decline.

— Why not? said the boy, feeling as if it might be a personal slight of some kind.

— I've told you why not.

— But sir, Conway said, — we know all that. We insist on choosing the man we want. In spite of your so-called infidelism, we feel you are defending our right to enter on an unfettered ministry.

— No, Parker said with finality. — I should rejoice to do it but the professors have already been embarrassed by the reputation of your class for radicalism and this would embarrass them further. Get someone less notorious. Besides, I'm more interested in another kind of fetters. Tell me about this Colonel Suttle.

— Well, said Conway, wondering how he could get his classmate out of the room before Parker got too direct, — Suttle is just a petty politician.

— Ah, said Parker. — A Democrat of course.

— No. He's of the Whig persuasion.

— That's good. That's good. That means he won't be backed up by the administration. These slave hunts are always political dodges.

— How do you know, Mr. Parker, that he's a slave hunter?

— What else would a Virginian do in Boston since 1850?

— I'm a Virginian, sir, Moncure said in a flash of indignation.

— I beg your pardon. You are an honorable one, no doubt.

— Colonel Suttle may be, for all we know.

— All right, Conway. I don't want to stir up your sectionalism. I just want to know who is getting kidnaped.

— I'm sure I don't know, said Moncure coldly. He put his hand on his schoolmate's shoulder. — You'd better put on your walking boots, Carleton, if we want to make our ramble a long one.

The other boy shook hands gingerly with Parker and scooted out. Moncure busied himself at the table, lifted up his letter to Parker and started to tear it up. Then, realizing this might seem an insult, handed it to Parker. — Perhaps you'd like to keep this letter?

Parker took it without comment and said, — If you sent your card in at the Revere House, would he see you?

— Why, yes.

— Will you see him then and question him?

Conway was silent for a moment; then said weakly, — No.

— Why not?

— Because I don't like the man. I wouldn't know what to say to him.

— Find out why he's here, that's all. You'd be doing a great service. I can guarantee that.

— Can you guarantee that no harm will come to him as a result of my visit?

Parker paused. — No, he said gruffly.

— Then I will not see him.

— Why these scruples, Conway? The man is either harmless and won't be molested or he's a kidnaper and should be.

— Mr. Parker, I'm sorry . . . but I must resent this indiscriminate denunciation of slaveholders.

— Could you just give us the number of his room?

— No. If I see Colonel Suttle or get mixed up in this case, the word will get to my friends at home and harden their hearts against me. I'm anti-slavery but I believe that it can only be abolished by the union of all hearts and minds opposed to it.

— Worrying about the opinions of your neighbors is a poor way to start yourself in the ministry.

— Not if you intend to convert them as I do. I have an offer of a church in Washington. I want to go there with clean hands. I want to preach anti-slavery in Richmond as well.

Parker reached for his hat. — It's too late for that.

— Has it ever been tried?

He shook Moncure's soft hand and walked to the door. — Perhaps it hasn't. Good-by, sir, and thank you and your classmates for your fine gesture.

He walked thoughtfully back to Harvard Square and caught a coach back to Boston. There was only one more man who could save spreading panic among three hundred fugitives. This was a colored preacher, Leonard Grimes. Now he must go to him with a heart filled with suspicion and deceit.

\* \* \* \* \*

Benjamin Franklin Hallett handed out the plums in this area. He had grabbed off the best one himself. He was the United States District Attorney. He sat two days a week, granting political boons in the office of the United States Marshal at the City Courthouse. He was a huge man, way over normal height and heavy to fit. His belly was so big he could never sit close to a desk and his chair had to be reinforced. He had the hair of a small boy, falling in light cowlicks and bangs on a bulging brow. His nose was small, lost and young-looking in his great inflated cheeks. His teeth

were short, like baby teeth, and when he smiled he rolled his head around like a huge ball with his eyes lost in fat, his ears tiny and set close and his teeth like yellow stitches on the pigskin of the great ball.

Nick tried to enter the Courthouse through the front way, up the grand stairs and under the great columns, but was soon told that the Marshal's office was around the side door . . . and there was hostility in the remark. The side door was mean and low by comparison but the office had a very expensive carpet. Patrick Riley, the Deputy Marshal, was lounging in the door. He was a small, wiry man with a stubby chin, round eyes, shaggy eyebrows and spiky hair. He moved with a queer shuffle, his head ten inches before the rest of him, and when he turned to talk his breath was like the mud flats at low tide. He told Nick that Hallett would see him. — I'll see to that after the good work you've done, me lad.

Riley shuffled over to the door of the inner office. He planted his feet boldly on the outside of the threshold and then timidly thrust his head into the room. Nick watched him with wonder. He was standing at an angle so sharp that it looked as if he would have chosen to fall flat on his face rather than step into the room.

Suddenly he straightened up and turned around, waving Nick wildly in as if he feared that Ben Hallett would change his mind in a flash.

Queeny nervously crossed the carpet, not daring to look at the many other mendicants that he was by-passing. Pat Riley stepped aside to let him by, placing his hand gently on Nick's back as if he had just stood up at his christening and shuffled back to his place at the door.

Ben sat facing away from the desk with his legs spread wide so that Nick had to head right into him and take a chair without preparing his face or his manner for the interview. Ben's voice was high and loud and he had a petulant good nature in it. He was the sort that gives off stinging and sarcastic remarks and then winks broadly directly after so that if you take offense you feel like a fool.

— I don't think we've met before, have we, Mr. Queeny? said Ben.

— No sir. I've seen you, but I guess you never saw me.

— Riley said you've done a lot of work for the Party. Why haven't I ever seen you at our meetings?

— Well, sir, during the campaign I spent most of my time at the other fellows' meetings.

— Why was that? said Ben.

— I went to their meetings to listen in and then expose them. That's when I wrote all the pieces for the papers.

— Oh, the pieces. Riley was telling me something about them. But you didn't sign them, did you, Mr. Queeny?

— No sir, I wanted to but they thought it best that I didn't.

— Then that explains it. Now what can I do for you, sir? I'd like to help you if I can.

— I want a position with the Custom House, Mr. Hallett.

— Who doesn't, Mr. Queeny? I'm afraid that's out of the question right now. I could give you a letter to the senior editor of the *Boston Post*. Just let me jot down a few things about you.

Ben reached for a pad of paper and a pencil. He looked at it a second or two then said, — Perhaps you'd better do it, Mr. Queeny. Just write down your qualifications.

— What qualifications do I need for the Custom House, sir? he said.

Ben gave him an irritated look. — I thought I told you that the Custom House is filled up. I said I'd give you a letter to the *Post*.

— I'm not interested in the *Post*, sir. I've been there and the best I can get is a penny-a-line job. I need something steady now.

— The Custom House is not steady, Mr. Queeny. You'll be turned out if we lose an election.

— How are we going to lose if them that works hard are taken care of and the boats keep arriving?

— You're a sharp customer, Mr. Queeny, and that's the truth, but don't think this Custom House job is all skittles and beer. There's a lot of nasty work to it, climbing down in ships' holds and weighing coal and handling dried codfish and all kinds of disagreeable tasks. Now a man of your obvious intelligence . . .

Nick's temper began to rise. He had held off too long now in making his demand and this was a long, long shot. He wanted that job so much he didn't care how many bridges he burned. He was tired of grease and noise and factories and he was beginning to get tired of Ben Hallett.

— Why can't I have the job in the Custom House? he said, cold turkey.

— You haven't the proper qualifications, background and all that. Most of our men went to the Latin School and can speak a bit of French or Spanish. How high did you go in reckoning? I mean did you ever study higher mathematics?

— No, said Nick.

— Well then, said Ben insultingly, and then he shifted around to the desk and tried to inch up to within writing distance.

Nick scrawled a few lines down on the paper, trying to keep his temper, and then stood up. He laid the pad on the desk.

— Would you mind signing this? he said.

— What is it? said Ben, drawing back from it as if it were going to explode.

— It's just a statement saying that you won't give me a job because I haven't the qualifications. Because I didn't go to Boston Latin School and study higher mathematics.

— Why should I sign it? I don't have to sign anything.

— Well, I'm going higher with this and I don't want to be sent around to you again. That will save me the trouble.

— That's a damned lie, Queeny. You must want to make trouble for me. But I'm not afraid of a little squirt like you. You'd better save the fare to Washington city, if that's what you've got in mind. They won't listen to you down there.

Nick started away. — I'm not going to Washington. I'm going to the Bishop.

Ben got out of his chair. — Come here a minute, Queeny! he said angrily.

Nick turned slowly back, trying to keep his lip from twisting up at the corner in triumph.

Ben snatched up the little pad and threw it violently into a wastebasket. — You see, Mr. Queeny, what I do to your threats! Now let's not have any misunderstanding about this. I'd like to talk further with you but not because I'm the least bit afraid of what you're going to do after you leave this office. Is that clear?

— Yes, said Nick.

— Sit down. Ben stood before him with his hands in his pockets, a great mountain of a man looking down over his belly.

— You're not the only one that wants a soft job, said Ben. — Let's be frank, Queeny, it's a soft job and a good paying job. But I have hundreds of applications whenever there's a place vacant. Who am I going to give them to, unless I draw up some standard? I say to these people, Prove qualification, and I say the same to you.

— What were Hawthorne's qualifications outside of being a Yankee? He says himself he did nothing but vote and listen to one or two speeches.

Ben moved with agility to the desk and picked up Hawthorne's biography of Pierce. — This, for one thing.

— But that was written after he left the Custom House.

— For services rendered. We took a chance, Ben said.

— I don't consider that much, said Nick. — A humdrum life of a great man is no great job of work.

— A great man? said Ben with one of his winks. He laid down the book and stood again directly before Nick. — Perhaps you are too young to realize this, but great men never become Presidents. The life of Pierce is the finest flight of imagination Hawthorne's mind ever took. What was Pierce? A backwoods New Hampshire lawyer, a general who fainted on his horse on the way to battle in Mexico, a Senator who had to resign his office to stop drinking. This might shock you but you've been frank with me and I'll return the compliment. I made Pierce. I and Caleb Cushing and Jeff Davis of Mississippi. We brought him in at the Baltimore Convention on the forty-ninth ballot. I got Judge Conway of Virginia to nominate him. Then Henry Wise came in with the whole Virginia delegation. Nobody knew who he was. We made him. Judge Conway's nephew is out at Harvard. I wonder if he wants a job at the Custom House this summer. You see how difficult it is.

— You just said it was easy, said Nick shrewdly, — easy to make a President. Why don't you get some men behind you and take the job? If you can make a king you can be one yourself.

— Why? said Ben sadly. — I'll tell you why. Because the Kingmaker doesn't smoke, doesn't drink, hasn't got time and doesn't dare offend the righteous. Because the Kingmaker has to keep the folk at home cheering while the heroes are fainting on their horses. Because he's bringing around some coal and groceries to the poor of the precinct and lining up their votes while the king candidates are plotting over their champagne. Because he's the workhorse of the Party and he can't lay down his load long enough to parade by the judges' stand. Oh, it makes the galled jade wince to see the honors bestowed on the pleasure ponies. I once argued a case against Daniel Webster before the Supreme Court on the right of the people to choose their own form of government. Frank Pierce defends the textile interests against the ten-hour day for workingmen.

— The people don't know about it, about what you do, said Nick, rising to his feet, carried away in spite of himself by Ben's speech. — Why don't you tell them? Why don't you let me tell them? He reached into his pocket for a thick wad of clippings of his newspaper writings. — I could tell 'em. Give me a job around here, let me be the Kingmaker for a while.

Ben took the clippings with a smile and sat down to read a few.

\* \* \* \* \*

When people are forced to live in the same house without dignity for either one of them, there is a hate between as tender as sympathy. And when the Colonel's and the waiter's eyes met at breakfast, bitter knowl-



edge passed between them. And in the grating of their eyeballs, each felt the shame and the recoil of their common degradation. The waiter, being the more humble and selfless one, went about his now apparent task with quiet dispatch. But the Colonel, heir of an uneasy conquest, had to move with the clang of a man in armor. . . .

He and his toady left the dining room and stepped blinking into the May morning sun. It was unmistakably a Boston morning because it smelled like coffee. The wind was off the Harbor, coming up and then over the warehouses and roasting ovens down by India Wharf. But in the Colonel's big trumpet nose was the stink of fear, for not far off was a tight knot of stout Negroes looking at him again with the tender bruised eyeballs of hate.

He and Brent tried to walk them off by going into two or three bar-rooms, but they came in too and that was the most frightening thing of all.

At last they got to Pemberton Square and to the office of George T. Curtis . . . the Slave Commissioner, and the man who had sent back Thomas Sims to his rightful master. When the Colonel gave him the papers, the Commissioner studied them carefully. Then, chancing to look out of the window, he saw the little knot of Negroes and he looked back at the Colonel with the same bitter knowledge. It ended by his walking to the door to show them quietly out, handing back the papers with a bow. True, there were some words spoken, the greeting, the feinting, the bald request, the firm, quiet resistance, the pleading and the dismissal. But they were dead words of formality and the morning stayed transfixed and trancelike until, in another bar, the Colonel slapped his hand down on the wet and sticky wood and said, — By God, I'll take him myself. I've got every right to.

Brent tried to quiet him down but the Colonel, like an ugly crocodile who had been sliding quietly along just under the surface, broke up through the water and opened his mouth wide to proclaim his place in the harsh upper element.

— Every right, Cushing said, and gave me a paper to prove it.

Brent agreed with him but pointed out that if he took his fugitive he had no place to retreat to . . . no citadel, no bastion, and that in spite of the notorious Yankee cowardice, and in spite of the fact that the Colonel had every right, he couldn't bring him back to the hotel and keep him chained up in the stables. To this the Colonel, now canny with strong drink, interposed another bit of wise counsel from the Attorney General. — We'll lug him to the office of the United States Marshal and put us all under his protection.



And over the self-protective objections of Mr. Brent, they headed for the Courthouse and the United States Marshal's office.

\* \* \* \* \*

Parker finally got to the church, signed as the Twelfth Baptist, but better known as "the Fugitive Slave's Church." It was brand new and a monument to humility. Its pastor, Leonard Grimes, a freeborn octoroon, had raised it at a time of the greatest tribulation for his flock by standing patiently on the stairways and in the hallways of the wealthy with his hat in his hand. Because he had never raised his voice or lowered his dignity or acted as other than a faithful shepherd, he had collected over ten thousand dollars to give his flock a fold.

Parker found him in the upper room of the two-story building. He was kneeling when Parker caught sight of him. Parker paused a moment at the top of the stairs but Mr. Grimes turned and rose. He had been washing the floor and he tried to hide his wet hands behind him. Parker walked over to him with his hand outstretched and Mr. Grimes offered him a very clean one that had been wiped furtively on a shirttail.

Parker regretted that he had arrived at this moment and longed to tell him to go on with his work, and to get down there with him and scrub. But instead there was awkwardness on Mr. Grimes's part. Mr. Grimes, like the other orthodox clergy, didn't know what to make of Parker. At the very least, Parker was a rebellious man and the colored folk in his church were filled with their pastor's spirit.

Parker, as usual, plunged headlong into the matter. — We have reason to believe, Mr. Grimes, that there are two slave hunters at the Revere House. Have you any acquaintance with a fugitive from Virginia?

— Why, no, Mr. Parker. I can't say I know of any in immediate danger.

— Then they'll all have to be warned. Could you spread the alarm among your people while I canvass the boardinghouses?

Mr. Grimes turned to a chair by the wall and slowly put on his coat. — I don't like to refuse you, Mr. Parker, but I've got to have more to go on before I do that. He avoided Parker's eyes and fiddled with his cuff.

— That's just the trouble, Mr. Grimes, we haven't any more to go on. I was told about the two men and I took it upon myself to spread the alarm.

— Perhaps there's no reason to be alarmed, Mr. Parker. I don't think there's any danger. Sometimes people get riled up and it doesn't happen.

Parker stared at him in amazement. He did not expect people to run at

his bidding, but he figured other people should work as hard and tenaciously as himself in a cause that was common to both of them.

Mr. Grimes stretched out his hands in a pleading way. — You see, Mr. Parker, I couldn't go to my people at this time with a message of fear. We're going to dedicate the church in two days. Would you want me to spoil the harvest? The last time we had trouble like this, over forty of my people fled to Canada.

— You won't have much of a dedication if one of your parishioners is kidnaped.

— But you have no proof to go on, Mr. Parker. You don't know the man. Must we make them all miserable? I can't do it, Mr. Parker. I can't go from this place and turn their rejoicing into sorrow. And they've worked so hard. And their faith is so strong.

Parker felt baffled. He looked around at the trim little hall. He plunged his hands into his pockets and walked over to the scrubbing brush and gave it a kick. — Then what are we to do, Mr. Grimes? I've dropped everything and come out this morning to sound the alarm and . . .

— And we pay no heed? It isn't that, Mr. Parker. It's just that I don't feel in my heart the Lord would let anything mar this occasion we've worked and prayed for so hard. He just couldn't, Mr. Parker.

— This wouldn't be the first, Mr. Grimes. They've kidnaped two men already and they're lusting for a third to teach us that they are in earnest about the Nebraska Bill.

— They took Shadrach, Mr. Parker, but he got free of them and got to Canada.

— They took Thomas Sims back. And now they say he's dead of a beating.

— Thomas Sims was not of our following.

— Well, he was of mine. . . . Parker stopped. He didn't want to carry the inference any further. It was true. Shadrach had got free and Shadrach went to Mr. Grimes's church. Thomas Sims, Parker's parishioner, had stabbed Asa Butman in the stomach when he was taken and had been delivered up by the entire police force of Boston. Besides, in this discussion he was up against something he couldn't whip . . . simple faith. He didn't have it and he couldn't fight it. He struggled as it began to conquer him.

— Be fair, Mr. Grimes. Shadrach got free because Lewis Hayden led a mob into the Courthouse and swept him away from the Deputy Marshal. And Hayden and the others were arrested for it and stood trial.

— And they got free. Lewis Hayden and all the others.

— Only because there was a Garrisonian on the jury. That was sheer luck.

— Was it, Mr. Parker? At any rate, sir, they got free.

Parker began to feel more quiet in his mind. The idea of struggle and flight seemed far away and its acceptance disloyal and melodramatic in this simple dedicated upper room with its white walls and Shaker-like red-painted woodwork. Mr. Grimes laid a timid hand on his sleeve.

— Shall we have a prayer about it? . . . He knelt down. Then Parker did too, Methodist style, on one knee, although he was a Unitarian. He was willing to go halfway. But out of the corner of his eye, he could see the basin filled with the soapy water for the floor and he didn't know whether he was invoking Christ or Pilate.

\* \* \* \* \*

Hallett and Queeny were still sitting at Hallett's desk at the Courthouse when Riley ushered in the two Virginians. The Colonel was tense and Mr. Brent looked as if he had been having a very hard time with him. The Colonel moved up to Ben with a snipelike abruptness and put his hand over the pistol bulging under his coat. Ben stood up at once and looked anxiously to see if Riley was standing by. His discomfiture was heightened when he saw that he knew the man and had used him at the Baltimore Convention to bribe a few backwoods Virginians to get on the Pierce bandwagon. He recalled him with sickening clarity as a loud-mouthed bore who beat out a wild oratorical rub-a-dub when half drunk.

— Good mornin', suh, said the Colonel. — Am I addressin' the United States Marshal?

Ben seized his gun hand quickly. — No, sir. I am the United States Attorney. He decided against giving his name, in hopes that the Colonel would not remember him.

— That is even better, suh. I am Colonel Charles Suttle of Virginia, and this is my travelin' companion, Mr. Brent.

Ben completed the introduction. Nick made to go, but Ben held his sleeve. The Colonel went on: — I wish an opinion on a very important matter and perhaps you are the very man who can give it to me.

Ben acknowledged that he was flattered and would do his best.

— I believe that it is a law that a United States citizen has the right to reclaim a slave in any state or territory in the Union and if there is no United States Commissioner to act, the claimant may proceed to capture without judicial process. . . . I believe I am citin' it correct? Learned it on the train comin' up.

Ben nodded his head in assent. — You have a point there.

— Thank you most kindly, sir, said the Colonel with a lordly bow.  
— Let's go, Billy. He put his hand on the pistol butt.

Ben held his hand out quickly to tease the Colonel's away from the gun. — Colonel, I had the honor of meeting you at the Convention. You were, as I recall, a very influential member of the Virginia delegation. Perhaps you remember me? Benjamin Franklin Hallett?

— Indeed I do, sir, now that I think of it. Well, Chairman Hallett . . . with all due respect, I would have recognized you more quickly gracin' the Cabinet of the President. Is this your reward? I'm ashamed, sir, for the Democratic Party.

— Very kind of you Colonel, I'm sure. But a good soldier goes where he is needed most. Are you looking for a fugitive?

— Not lookin', sir. I've found one of my slaves up here and I'm goin' to fetch him back.

— That is your right, Colonel. But I hope you are going to observe due process of the law.

— Yes, sir. Jest as I cited it to you. He slapped his coat pocket perplexedly. — I wish I could find that little ole paper. I had the rulin' all set down for me by General Cushing but I reckon I lost it.

— Attorney General Cushing, asked Ben, with proper deference.

— I'm not ashamed to say, sir, that I have friends in high places and I'm not too proud to use 'em. I count Mr. Jeff Davis a friend too and if the Attorney General and the Secretary of War can't help me to bring a runaway slave back where he belongs, I say God help America.

Ben prevailed on the Colonel and his friend to sit down. He sent Queeny out for a bottle and Riley for Marshal Freeman. He found that the Colonel had been followed about since his arrival by four or five Negroes and was under a great nervous strain. He explained to him that it was not the custom in New England to carry side arms, and soothed him and got roundabout to the heart of the matter.

— I think General Cushing's ruling on the capture of a fugitive without judicial process applies to a territory rather than a state, Colonel. As a matter of fact, we have nine duly appointed Commissioners here and if you have a man who owes service . . .

— I've already applied to Commissioner Curtis and was turned away.

— George T. Curtis?

— Yes, suh, and he'd have none of me. I got all the papers . . . all in order. And he's taken a solemn oath to carry them out, I believe. And he turned me away. I was mortified. I felt the injury to my state as well.

I have been sent up to git my boy by some very important folk back home and I won't go back without him. . . .

Ben's voice rolled out like sirup. — Of course you understand there's a great deal of agitation on this subject here in Boston, Colonel. Mr. Curtis perhaps didn't want to stir up prejudice.

— Prejudice! Why should they be prejudiced against a man who has taken a solemn oath that he would carry out the law of the Union? We in the South hold the colored men as slaves. There are many up here that look on us as though we were monsters in human shape. But if that be the case, the Colonies were all monsters when they gained their independence. . . . The liquor arrived and the Colonel had a drink, warming more to his subject. — These are the facts and they will go South and be printed in large colors. There is firebrands going from one to the other. It is much easier to believe the bad than the good. We are creatures of evil as the sparks fly upward.

Ben asked him if he could see the papers and the Colonel produced the transcript from the Alexandria Court stating that the Colonel had given satisfactory proof that Anthony Burns was held to service and labor to him and that the said Anthony Burns was a man of dark complexion, about six feet high with a scar on one of his cheeks and also a scar on the back of his hand and was about twenty-three or twenty-four years of age. . . . *It is therefore ordered, in pursuance of an act of Congress . . .*

Having seen enough, he asked Queeny to go up to the Probate courtroom and fetch Judge Loring down.

The Colonel had another drink and went on:—The two parties are getting further and further from the conciliating line and men for the sake of office would cut our Union asunder. The man is afraid that if he stands up to the law, someone can find a great many holes in this matter and say thus and so. But the anti-slavery part of the community . . . I have nothing to throw out against them, I think some of them are figuring about for office and can be bought for six and a quarter cents a head. They think it is a crime to hold slaves but we have a right under the greatest power under the heavens, the flag, of which I am proud to say I am one of its citizens. . . .

Riley arrived with Marshal Watson Freeman. Freeman was a tall man with a small, pock-marked face that made him think he looked like General Washington. But he was a cautious man, and when Ben told him about the fugitive he got very gloomy. He wanted to know who had signed the warrant. When he heard that George T. Curtis had turned it down, he felt worse. — Who's going to sign it? he asked.

— I've sent for Judge Loring, Ben answered.

Watson shook his head. — Loring won't do it. What made you think of him? He's a Whig for one thing.

— Coalition, smiled Ben. — I think it just as well the Party stayed in the background in this case. After it's all over, we can take credit. But during the critical period, it might be better to share the burden.

Freeman could see the point.

Ben turned to the Colonel, who was getting a mite sleepy, and explained that he was getting a man to sign a warrant that would empower Freeman as United States Marshal to seize the fugitive. He told him that the more swiftly it was done, the less trouble and expense it would mean all around. The Colonel was agreeable. He told Ben that a sizable sum had been gotten up to pay his expenses and that Senator Mason, the man who had written the Fugitive Slave Bill, had been a leading contributor. Watson Freeman looked gloomier and gloomier.

Ben took great pride in his mastery of the details of the task and while the small talk went on, saw to it that a clerk drew up the warrant. He chuckled to himself at the idea of having Loring, the Probate Judge, give the decision. Loring was acting as a law professor at Harvard and was a former law partner of Horace Mann and his appearance in the case would not only dumbfound the anti-slavery forces, but also bring down fire on the Whigs. He felt annoyed at the Marshal's listless gloom. The Marshal was politically naïve. He didn't realize who was behind all this. He spoke sharply to him. — You'll have to raise a posse for this.

— What posse? said the Marshal. — I thought you were going to do this quietly. I can't get anyone to serve after what happened on the Sims case.

— Just for an emergency. We don't want any trouble but if there is, we need about sixty men to guard the Courthouse.

— Where would I get sixty men? There's only one man in town who could get me sixty men like that.

— That's up to you. We should have all arrangements completed by tomorrow night. Take the man at dusk Wednesday. We'll examine him Thursday. On the same day he'll be on his way back to Virginia. There'll be a report sent to Washington ready when the Nebraska Bill is put up for a final vote. It will show them they have nothing to fear from the North. It's very simple if it's planned right. Make sure you have ample forces.

— Louis Varelli can get me sixty men in four hours.

— Are you crazy? Ben shouted. — What are you talking about?

— What's the matter with him?



— He's a known murderer, that's all! He threw a woman off the Charlestown Bridge. We can't afford to get ourselves beholden to him.

— He can get the men. He told me. He can assemble them in four hours.

— Assemble them . . . My God! He's got more than that hanging around that bawdyhouse of his; and his wife, or his sister, or whatever he calls her, is the best-known whore in town.

Judge Loring heard the last as he appeared at the door. He was a quiet, benign-looking man, designed by nature to minister the legal manna to the widows and orphans. He stood there with a shy smile, somewhat puzzled at the summons to the Marshal's office, but ready to serve.

When he had met Suttle and heard the case he no longer smiled.

He began to question the Colonel intently. Ben figured he was looking for a loophole more for himself than for the slave.

— The man definitely owes service, Judge, said Ben, trying to be offhand about it. — Colonel Suttle didn't even have to declare his connection with the case. The simple declaration of the Colonel's agent, Mr. Brent here, is enough to remand the fugitive.

— I'm familiar with the law, the Judge replied tartly. — But I would like to know why they are so sure he's in Boston. Why, Mr. Brent?

Ben signaled Brent to go ahead and do the talking. He tried to draw the Colonel off to the window, making some remark about nearby historical monuments.

Brent spoke up with slow deliberation. — We were settin' down at the post office and we saw a letter we had suspicions about so we opened it up.

— You opened the United States mail? Where was the postmaster?

— Oh, he was there. We do it all the time.

Loring was shocked. — Will this letter be used as evidence, Mr. Hallett?

Ben turned gingerly.

— I believe, Judge, that the Attorney General has ruled that postmasters do not have to deliver material that might promote disaffection or rebellion among the colored population.

— There may be such a ruling, Mr. Hallett, but how are they to know the matter is undesirable until they break the seal . . . which is, in effect, a felony?

The Colonel spoke up brightly. — Of course we knew it was undesirable, your Honor. The letter was from the North.

— Does that make it a seditious document, Colonel? My own daughter is writing letters to Southern friends all the time.

The Colonel walked unsteadily over to the Judge. He had a drunken look of martyrdom on his big face. — There are many ladies here, Judge, and I hold the fair sex as the bond of union and the arch of strength — but notwithstanding their sympathies are strong, they know but little about the institutions of the South. *Uncle Tom's Cabin* has come up here and set up a Southern man as wearing horns and hoof and they believe it. Well, there are some true things in *Uncle Tom's Cabin* and considerable lies. These are the things that are firebrands.

Ben gestured to Brent to shut the Colonel off. Brent said quickly, — We knew something was wrong with the letter because Colonel Suttle's breedin' woman came and asked for it.

— What's a breeding woman? said the Judge softly, looking hard at the end of his cigar.

Ben cleared his throat like a thunderclap. — These points will all be taken up at the examination, Judge. Let's give Asa Butman this warrant and pick the man up. If he answers the description, it's all cut-and-dried.

— What's a breeding woman, Mr. Brent? repeated the Judge.

Brent explained simply: — We raise most of the slaves in Virginia to sell South. If we get a prime female that throws healthy young ones, we . . . Well, you've probably had cows out to bull, Judge.

The Judge said he understood and Brent went on. — Well, she was Tony's sister and she asked for the letter. It was postmarked from Canada. But when we opened it, we found it was written in Boston and he had signed it. So I brought it to Colonel Suttle.

The Judge asked him if he still had the letter and Brent gave it to him. It was crudely written but clear enough, telling of his employment at Deacon Pitts's shop on Brattle Street and ending with a prayer that she could find her way up North to freedom.

The Judge handed it back and said, — Do you think he'll go back without a struggle, Colonel?

— He'd better if he wants to save his back from some stripes.

— Colonel, said Ben explosively, — aren't you giving off the wrong impression here? Don't you treat your servants well?

— Of course it would save his back some stripes. I admit that.

The Judge squashed out his cigar, nodded to all concerned and said, — Good-by, gentlemen. I don't think I can act in this case.

After he had left, the Colonel turned to Brent and said, — Well, Billy, I reckon we'll still have to do the job ourselves.

— No, said Ben. — I can't answer for the consequences of such a thing.



If you go ahead and get into trouble, I'll wash my hands of the matter and so will the Marshal.

Marshal Watson Freeman agreed.

The Colonel narrowed his eyes at Ben. — I don't know what they're going to say about this in Washington. But I wouldn't be at all surprised if some heads roll.

After a short but pregnant pause Ben said, — Colonel, you go over to the lawyers' building and engage Seth Thomas as your counsel. I'll promise you that I'll have that warrant signed when you get back.

— Let's try that, said Brent. — 'Tain't worth no more risk than that.

— And leave those guns here, please, gentlemen. I have to answer to the community for things that go on in this office and we're not on too solid ground as it is.

The Colonel had enough left in him for one more gesture. He took Brent's gun and his own and laid them carefully on Hallett's desk and said, — Shall we say half an hour, Mr. Hallett?

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Judge Loring got back to his chambers as quickly as he could. He went to light up another cigar but his hand was shaking. Instead, he leaned back in his chair and inhaled the sweet air of his office. It was soothing, compounded of the remembered aroma of orris-root powder sachet, scented handkerchiefs gently flourished, and the soft tears of well-scrubbed widows and orphans. It was hard enough to face the genteel tears of bereavement. He had no guts for the blood and sweat downstairs.

But then his eyes lifted to the wall and to a lithograph of his idol, Daniel Webster. As he walked nearer to it, he thought of how Daniel had died on the crooked horns of the same dilemma. As he stood close to it, he heard his door open and Ben approach ever so meekly.

Ben stood a moment looking at the picture and then said with deep reverence, — I wish he were alive today. I'd give anything to be able to go to him with this problem.

Judge Loring turned impatiently away but held his peace.

— He was a bigger man than I am in every way, said Ben. — But he knew and felt the same prejudices that lie so heavy in my breast.

— Prejudice, what prejudice? snapped the Judge, biting the tip off a cigar and lighting it after all.

— The prejudice we all feel against that unfortunate creature downstairs.

— I thought that the Colonel and you were friends, Mr. Hallett.

— Oh, dear no. He was for many years a Whig but he went the way of Brother Cushing. He's been true to one party, and that is himself.

— What do you intend to do, Mr. Hallett?

— Nothing. He'll just have to take the man at his peril, I suppose. They were both armed.

— Armed? The Judge's face crinkled in panic.

— You know, I spent a good deal of time in Washington city in '38 and I could always tell the Southern members by the bulging pistols under their coats.

— Why are they armed? The Judge stopped and tried to choke back his petulance. — Surely they don't intend to take the man themselves without due process? We can't have that backwoods violence here!

— Unfortunately, they do. They think that they have no choice in the matter, since their document, although perfectly in order, has been ignored.

Ben, watching out of the corner of his eye, saw the Judge sag again in pain. He pressed his advantage in a soft melancholy tone. — These are trying times, sir, and we're caught smack in the middle. Our only weapon is the law. We have the dread responsibility of keeping it intact against violence from both sides. Naturally our humanitarianism drives us into the camp of our friends and neighbors hereabouts. We are weak.

He sighed and looked up again at Webster's picture, throwing back his shoulders like a newly dedicated man. — I recall every word he said on this problem. His greatest speech, Judge . . . the Seventh of March . . . greater than the Hayne Debate. We in Massachusetts have conquered the barren soil, the wild sea, and now we must conquer our prejudices.

He swung abruptly around, made as if to go, spoke his next lines in deep-voiced sadness. — And they crucified him for it; for saying what every lawyer worth his salt must, that a contract drawn and signed must be upheld whether it's between people or between states or a cageful of ring-tailed monkeys.

Loring turned suddenly to Ben, his face tormented by indecision. — Why can't you do it, Hallett? You're a slave commissioner yourself.

— I'm also the United States District Attorney. Prejudice again. They'd say I was not acting impartially to assume both judicial and prosecuting powers. No. I'm determined to keep out of this. That's why you are needed. You are already a deeply respected Judge, professionally impartial.

The Judge sat at his desk in despair. — But I'm a guardian of widows and orphans. I owe it to my office not to become involved in controversy. I can't afford to be singled out for abuse. The people I deal with, bereaved,

grieving people, don't like to bring their affairs into an office standing in the limelight, the target of cheap-jack agitators.

— That's just why I want to use your office, Ben said. — It's not the kind of an office they can throw the limelight on. I want to effect the whole thing quietly, secretly if you must know. I don't want to make political capital out of this. That's why I come to you, a man of the opposite party from my own. Surely two men can join quietly and carry out a distasteful duty without flinching or putting personal considerations in the way. However, said Ben sadly — if it's wrong for you, it's wrong for me and I'll withdraw and let them get the man themselves with the Colts they have in their pockets.

The Judge signed the warrant.

## THE SECOND WAVE

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THE NEXT DAY was Tuesday and the event was still unfolding slowly, hardly more than a ripple. Two men started the day with the sunrise, moving at the same time toward different goals.

Ben Hallett took hold of things like this with a sure but cautious grasp. He had a meeting of his staff that morning. He staged it in a well-known eating place at the breakfast table. He made sure it was a temperance house with nice white tablecloths where he could be seen by the right people. Ben knew the value of being seen eating in public in a decent, solid kind of way. He knew it would neutralize bad reaction to Asa Butman's affinity for saloons and raffish companionships. It was good for Watson Freeman, who looked his best over a plate of codfish balls; looked like the very apogee of the Yankee public servant and man of affairs. Watson sat erectly at the table with his knife and fork held upright in his quiet hands, their butts resting on the tablecloth. He masticated slowly and silently. After he swallowed, he brought the silver down to the plate with the dexterity of a drummer, popped something into his mouth and then rested his fists again exactly three inches to the side of the plate.

Ben smiled to himself over Watson's preference for codfish. Watson looked like a codfish himself. He had a small head, extremely sloping shoulders and a long neck. His head seemed to be without flesh. There was a great bank of bone over his eyes and his eyebrows were turned under it and hard to see. There were knobs of bones under his eyes too and his nose jutted out from his sharply sloping brow without an indentation. He wore false teeth and above the hard jut of the chin and the bumpy jawbone his chin stretched tight as a drumhead over the rows of crockery.

Watson sensed Ben was looking at him and dropped the pale lids over his eyes, making the sockets like drill holes in a marble slab.

Ben had chosen a table by the window. It was a generous round one

fitted with Windsor armchairs and it was comfortable there with the bright May sun filtering in through the fresh-starched white curtains. He could see the lawyers passing on the way to their offices in the Old State House and the merchants on their way to State Street. Ben bowed to them through the windows. Here I am, he nodded, with my staff, out here in the open, carrying on the Government's business, accessible to all, with no secrets from anybody.

Asa Butman was hidden from the window on his left. Asa was respectable-looking, true, but that cockeye of his ruined the effect to some extent. — Look me in the eye, Ben would say when he wanted to rag him, because of course poor Asa never could. But Asa had smooth skin, his hair lay neat and flat on his round head; his nose was straight and well cut and his teeth were good. Asa was over fifty and had led a rough life, but he looked better than a lot of church deacons Ben knew.

Ben was taking inventory of his forces this morning. He was paying for the breakfast, of course. It was worth it to get them out into the light for a good look.

He looked sharply at Pat Riley, chewing noisily on a piece of steak. Riley was a problem. He had arrived for the appointment with an untidy stubble of gray beard on his chin. But he had gone at once to the barber when Ben had spoken to him about it. Without resentment too, touching his hat with one finger in that respectful coachman's way of his. Riley was loyal, Ben thought, he was the most loyal of them all. He was cowardly and somewhat stupid and untidy but Ben wouldn't have dropped him for the world. Old Pat was good for more votes than all the spread-eagle orators put together with their fancy blue vests and tapering white trousers.

Was Watson loyal? Ben thought, turning to look at him again. . . . A little too fearful, timid under the cold codfish eyes, soft inside. Butman was loyal to himself and the money he could make. He was a constable now, and got paid per case. Ben decided he might put him on salary if he worked out well in this new problem. But they were all weak, all worried about their own skins too much.

Finally he looked at Nick Queeny, who had been invited to join them this morning. Courage yes, Ben thought; loyalty, no. All the better since I am going to cast him for a Judas role and send him into the places where I can go no longer because of my eminence, and find out the childish stratagems of the reformers who mask their secrets with no more than the unconscious whimsy and sentimental turbulence of their dog-cheap eloquence.

Watson, the slowest of the eaters, had at last laid his plate bare and put down his tools and folded his hands across his stomach. Ben brought out a map of the city and began to outline the plan of attack.

Asa was to recruit some unemployed teamsters from the group hanging around the Custom House for pick-up jobs. They were to wait in Peter Brigham's barroom on Brattle Street and wait until Coffin Pitts and the fugitive closed up their shop and started home to Southac Street on the river side of Beacon Hill. After the man had been seized he was to be taken to the Courthouse and Watson was to proclaim him a fugitive and call upon Colonel Suttle to identify him. He was to be kept quietly in the Courthouse overnight and then brought before the Commissioner in the morning. The Commissioner, Judge Loring, would sign the papers of rendition and the man be turned over to his owner. The deputies would be paid for two full days although the case would be concluded before noon on Wednesday.

Butman immediately found flaws in the scheme. — Don't forget, Ben, he said, — I got a knife in the gut from the other nigger. This time I'm going to knock him over the head from behind.

— No, no, said Ben, trying to keep his voice down, — no rough stuff. We can't bring him before Judge Loring with any marks on him. Just approach him and put him under arrest.

— It sounds easy the way you say it, Ben, sneered Butman, — but you never had your belly opened up.

— Does yez want to git the wrong pig by the tail, Asa? said Riley. — Besides, how you goin' to knock him out from behind? The skulls on them is like iron.

— All right, Asa said. — I'll say I'm from the City Police.

— You'll say nothing, Asa, said Ben. — I'm trusting you with this because I want it to go smoothly. We want no legal trouble from it. Take the man quietly, say nothing and bring him to Watson at the Courthouse. Surely you can do that.

— All right, all right, mumbled Asa, keeping his reservations to himself.

Ben turned to Nick. — How would you like to be a member of the Marshal's *posse comitatus*? he asked.

— I don't know, said Nick suspiciously. — Is it a steady job?

— It pays three dollars a day and found. It will keep you out of mischief until we can fix something up at the Custom House.

— How long will that be, sir?

— I expect there'll be a vacancy in a few days, Ben said, smoothly. — In

fact, there's a man leaving Thursday and I think you can replace him. Fellow named Snodgrass, a weigher, getting too old.

Nick thought a moment and shrugged his shoulders. He was set on not going back to the factory. He'd try anything, anything.

— All right, Mr. Hallett. But I'm still looking for something that'll be steady.

— I have a special task for you, Mr. Queeny, that requires a man with a little more polish than a teamster. We've got to take this man off by ship to Norfolk. I want you to go down to the wharves and arrange for dockage. Say it's government business and that you want space for a revenue cutter. That's all you have to say . . . and the Marshal's office will pay the bill.

Nick nodded in assent. It would be an easy errand, hanging around the docks all morning. This was the life. He wanted all of this he could get.

Ben leaned back and swept his eyes over the dining room, searching for someone he could transfer his attentions to and thus make a graceful separation from his flunkies. It wasn't well to be seen too long with them. He saw someone and waved cordially.

— Well, gentlemen, he said getting up, — you may go along now to your duties. I'm going over and have a word or two with Justice Curtis.

— What the hell good is that going to do? said Asa disrespectfully. — That narrowback wouldn't vote your way in a month of Sundays.

— I'll thank you to remember, Butman, said Ben with a twinkle in his eye, — that I'm a Democrat politically but not socially.

* * * * *

Parker woke with a headache. No. The headache woke him. It had been going all night and made his sleep fitful and feverish. He had cried out — No, no, in the high pitch of the dreamer, waking his wife. He prepared to take up his studying, ignoring the pains at the back of his skull and pressing iron hands on his temple. They were not new to him. But he could not look upon himself as a sick man. He was strong and vigorous and no one knew what was going on inside his skull. He worried about his lungs a great deal, coming from a consumptive family, but he seemed to have no more coughs and colds than the average New Englander. He had bought himself a stethoscope which he had hidden away and sometimes when the house was still and all were asleep he explored with fist-thumpings and heavy breathing the mysterious secret cavern of his chest. By now he knew the echoes of his interior, the wheezing, the rattlings, grazings, crackings and bubblings in his tubes and the fast

tom-tom of his heart, as a musician knows an often-played symphony.

He had made himself a health chart, marking A on his sermon if he could write it on Monday morning, A over 2 if Monday evening. Tuesday morning was B, and evening B over 2; and so on to C, D, E, F. He wanted to make a B this week and sat for over an hour at his desk waiting for it to come. But the headache got worse and the thought of the fugitive kept blocking all responses.

He got up and walked out into the streets on another search. His parish was the whole of Boston. There were more than six thousand people on its rolls and he was the only preacher of his kind there. He started at the Courthouse, which was set plumb in the center of the old part of town, the hub from which spokes reached up to the grass of the Common, the gentlefolk's stately homes on Tremont Street and its tributary nooks and courts full of old elms and pleasant gardens, the banks and countinghouses of State Street with the wharves and sea at the end, the Negro district on the far side of Beacon Hill, the merchants' shops and newspaper offices along Washington Street and the slums and alleys of Ann Street, Fort Hill and the old North End. He knew them all and had friends, enemies and parishioners at the ends, the middle, the hub and at the arching circumference of all the spokes.

He talked to his wife's cousin, old John Augustus, who kept a school for the newsboys and street urchins on the Courthouse steps. He stopped in at the Hospital and the Charity House, around back of the kitchen of the Revere House, the American House and the new hotel another Mr. Parker had just opened on School Street. He questioned bootblacks and lawyers' clerks, reporters and truckmen, butchers and greengrocers in the market. Garrison wasn't at the Anti-Slavery Office on Cornhill, but a man named Austin Bearse told him that they were expecting a boy called Barnado from the South, but he was going right through to Bath and he was from Carolina.

He was upset because a spy in the Courthouse, a man with fine handwriting, was away in New Hampshire. This was the person who usually made out the warrants for the fugitives and he always reported it in good time to the Anti-Slavery Office.

At last he started home, his day a failure. He had thought of going to see Coffin Pitts but did not for two reasons. First, he and some others had lent Pitts the money to set up his shop and he didn't want to embarrass the debtor by going in there. He had heard Coffin was having a hard time with his business. And secondly, Pitts was a deacon at Mr. Grimes's church and he had half-promised his colleague to hold up the alarms be-

fore the dedication of the new church. When he got home again his headache had settled down for a run and he began to think he might have to write O on the blank pages waiting for the sermon. This meant nothing at all done. The only thing he could think of was how many people in Boston had never heard of Colonel Suttle of Falmouth in Virginia.

* * * * *

When the late dusk of May came to the shop, Coffin Pitts put the finishing touches on the claw-hammer coat he was to wear to the dedication of the new church of Mr. Grimes. Coffin was the Senior Deacon. Tony was to be received into the church as the first new member and Coffin was to be his sponsor. This put Coffin in a happy mood. There were not many occasions of honor and distinction for an elderly colored man in the Athens of America.

After he had carefully folded his fine coat over his arm he turned to go. Tony stood quietly by him as he locked up but when he went to walk up Brattle Street, on his way home, Tony lagged behind in a doubtful, disconcerting way.

— Come on, son, said Coffin. — We've got to git home and then go over to the church and help Mr. Grimes.

— I don't think I'll go over tonight, Mr. Pitts, Tony said.

— But we promised, son. You gotta find out about the ceremony. Tomorrow night's the dedication. Tomorrow night you're gonna be taken in. Now, come on, son.

— I don't want to, Mr. Pitts. I want to go fer a walk jes' now. He turned and began to walk slowly in the other direction. Coffin could see that he had troubles on his mind so he walked after him and then beside him. Nothing was said but Coffin could feel Tony's travail. Tony kept walking evenly toward the sea. Coffin knew by the way he shortened his pace to the old man's gait that he wanted company. And he knew by the way he headed for the hush of the Harbor that he wanted quiet for a spell.

When they got to the end of Long Wharf, Tony sat on the edge, dangling his legs, and Coffin sat beside him. The sun was sinking behind them and when the darkness began to threaten the remaining light, Tony took a letter from his pocket. — Mr. Pitts, he said, — I don't think I'll be able to oblige you and Mr. Grimes tomorrow night.

— You mean you ain't goin' to join the church?

— That's right, Deacon Pitts. I can't join.

— But I thought you wrote down home fer a transfer?

— So I did, Deacon Pitts, and I can't join on account of it.

Coffin Pitts looked old and helpless. He climbed to his feet hunched and stiff like the old man that he was, trying to kick the kinks out of his legs. He half-stumbled in a little circle over the rough and splintered boards of the wharf. He came back to Tony. His voice was trembling and his eyes tearful. He laid his hand on Tony's head.

— But I told everybody you was joinin' the church. I was to have the honor of bringing in the first. Others had sons and daughters to give to the Lord but me, a childless old man, was to have the honor of bringing in the first to the new church. Why can't you join, son?

— I wrote to my pastor back home, Mr. Pitts, like I said, and this is what came back. . . . He read the letter in a halting way, stumbling over some of the words . . .

THE CHURCH OF JESUS CHRIST, AT UNION, FAUQUIER COUNTY, VIRGINIA

TO ALL WHOM IT MAY CONCERN:

Whereas, Anthony Burns, a member of this church, has made application to us by a letter to our pastor, for a letter of dismissal in fellowship, in order that he might unite with another church of the same faith and order; *and whereas* it has been established before us that Anthony Burns absconded from the service of his master, thereby disobeyed both the law of God and man: *Resolved, unanimously*, that he be excommunicated from the communion and fellowship of this church.

Coffin Pitts listened sadly. When Tony had finished, he looked up at him. Coffin tried to find words of comfort. — We'll show it to Reverend Grimes. I don't think he'll show it no mind.

Tony shook his head sadly. — I can't be received in now. It wouldn't be right. Without the letter, it would be a lie. With the letter, it would be a shame. It would be a shame to me to show this letter.

The sun went and the moon touched the water and up the path glided the yacht *Flirt* from Hingham. Behind it, its foul smoke blotting out the light, came the steamer *John Taylor*, newly chartered by the government of the United States for the rendition of Anthony Burns.

THE THIRD WAVE

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ON THE THIRD DAY, counting back to the time when the dark prey flushed the hunters, Ben Hallett spent the forenoon at home. He could have sat quietly at the curved window of his parlor, watching the crisp grass and the dancing leaves dappling the soft stone of little gray Aristides on his perch in the green oval of Louisburg Square. He had a son to send to the office and do his work for him. But after a quick glance out to see that the papery undersides of the leaves were showing their affidavits of rain, he went up the curving stairs to the back-room study.

There he turned over many of his lawbooks, seeking in the cool abstract maze of legal nomenclature a way to lose the sanguineous scent of the huntsman from his hands.

At the office he would have to hear about the truckmen that were hired; their names and the extent of their fidelity to the Party, and how much more it would cost to have them testify at the trial for the benefit of Colonel Suttle. It was better, knowing the sort they would be, to think of them as the faceless *posse comitatus*. And it wasn't to be a trial but an examination. They weren't going to seize a struggling black man with anguished eyes but only a man who owed service. . . . *A man who owes service is like a bankrupt or a debtor. The United States Marshal will serve a warrant on the man who owes service and he will appear before the United States Commissioner . . . who happens to be the well-respected Judge of Probate for Suffolk County. . . . After being properly identified by the man to whom he owes service and labor, he will be rendered into his custody.*

He turned page after page, Civil Action, Torts, Liens, Hypothecation, quasi-contracts, garnishee; it was easy to lose a man there.

When he finally got down to the office he found just the thing he had tried to avoid. A bitter argument was going on between Watson Freeman, Riley and Butman. Freeman was standing in the middle of the carpet with his eyes closed and his jaw set, resisting Butman.

— Queeny says he's a big brute of a man, Asa Butman argued. — He's seen him and the man's got a broken hand now, he says, from knocking somebody around. Queeny says it humps up where he must have hit someone so hard he knocked his knuckle clear back to the wrist.

Watson turned to Ben with relief. — They want to make a turkey shoot out of this, he whined. — We haven't got the wherewithal to hire every broken-down truckman that votes the ticket.

— The Marshal is right, Ben said. — This is a civil case. We have an individual here that owes service. He has evidently assumed that by removing himself from the neighborhood of his . . . from the person to whom he owes service, he cancels his obligations. Nothing of the sort. This man is bound by contract to the other man. The contract is the Constitution of the United States and is in force wherever the flag is flown. We three are likewise bound by this contract because of our oath of office. We owe service as well. We are going to do our duty in a calm and confident way. No rowdies, Butman. No bowie knives or gin bottles. Serve the papers on the man and bring him here. And don't attract any attention.

Watson went to his desk with a list of recruits that Asa had given him. He began to cross out names here and there. With a sly glance at Butman, who stood angrily beside him, he drew a heavy line through some Kellys, Careys and MacCarthys. He left Benjamin True, Caleb Page, Moses Clark, John Coolidge and Obed Leighton.

These were the first to go on the Marshal's rolls. There were many more added later, men of flesh and blood and faces and hands and feet. To say that this one had such a beard and that one stuttered and he had a daughter that was beautiful and Obed was better to his horses than to his family would be a waste of time. In the end they were still just names and these two words and an initial was all there was about them to take note of and then forget. But they had to be there like the nameless men who dug the grave for Ophelia and the sailors who rowed the boat across the Delaware. They had to be there but they were not singly decisive. Asa was to take along five men: True, Page, Clark, Coolidge and Leighton, but it could have been any five hirelings with no difference between them but their names.

Pat Riley tugged Ben timidly by the sleeve. — Will you let me make up me own list if I'm to guard the man in the room upstairs till morning?

Ben turned and looked glumly at him, ready with a refusal.

Riley held up a pleading hand and clawed at his stubbly chin with the other. — What if the niggers come up in the room again, like they did when we had Shadrach there? I was all alone then, as dignified as you

please with me sword lying on the table. Then a whole swarm of them came up them stairs in the hall. Before I could take up me sword laying there on the table they had gobbled up the nigger and walked him off. They even took me sword. An old one helped himself to it and then they drove the man off in a hack.

— The Marshal and I are not interested in the shortcomings of our predecessors, Ben said. Then he thought for a moment and said, — Well boys, I'm inclined to think I should give you your heads in this thing. You all know what this means. This is the third case of its kind since the law was passed in '50. One went back, one escaped and Pat lost his sword. This time he'll lose his job and so will the rest of us if you botch it. I'm not going to chart this thing for you any more. Just do your work, use your heads, and there'll be nothing to it. But if you slip up, all hell will break loose. I don't have to tell you that.

Asa put on his hat. His eyes were dancing with excitement. — You can trust me, Ben. I'll take the five gawkies over to Pete Brigham's, and when the time comes, we'll nab the blackbird as cute as a cat.

He left with no ill feeling toward the Marshal. He could get all the men he wanted to do the job for a free ale or two over at Brigham's. But he would have to be smart and not get Ben riled up at him. Two cronies, and the five would do it fine.

\* \* \* \* \*

Within the dim confines of the cluttered shop on Brattle Street Tony did his best to avoid Coffin Pitts. The old man thought sure Tony would consider and come with him to the dedication after all. He held his tongue on the matter and only sent a long glance, full of sorrow contending with hope, at Tony in the infrequent moments during the day when they were face to face. Tony was unusually heavy in mood and silent but Coffin felt sure that when he locked up the shop and started home to prepare for the ceremony, Tony would come to. The very desolation of the other man's mood gave him room for hope. It was not the gloom of conviction and decision, but the dank cloud of doubt. When the time came to lock up, Tony stood for a moment at the door. Coffin turned for a final appeal. — Why don't you come, son? he asked.

Tony, who had been hardening his heart all day against this appeal, turned and sauntered aimlessly down the street. Coffin walked up to Court Square and then down toward Hanover Street. Butman, standing in the doorway across from the shop, was much disturbed by this. He had figured Tony would go with Coffin as he had every other night. If Tony

continued he would have to accost him alone. Just as he had made up his mind to do this, Tony turned around and began to follow Deacon Pitts.

Butman, still walking on the other side, tried to head him off. Tony began to walk faster and was almost within hailing distance of the old man when some roughs coming out of Brigham's shouldered Coffin into the gutter. They were drunk and loud and after this encounter, Coffin walked quickly into the dusk out of hailing distance. Coffin liked to be among his own when darkness came.

Butman was then able to head Tony off outside the saloon. — Stop, old boy, he said, putting his hand on Tony's shoulder.

— What do you want? said Tony.

— You look like the man that broke into the silversmith's last night and stole a teapot.

— I never stole nothin' in my life.

— That 'ain't what the silversmith says. Let's go down to the Courthouse.

Butman tightened his hold on Tony's arm.

Tony abruptly broke away, whirled around and lifted his hand to his mouth, intending to hail Coffin, deep in the dusk ahead of him. Butman gestured in panic to his deputies and they ran to him and with the deftness of experienced pallbearers took Tony's body up off the ground and bore him shoulder high down Court Square to the Courthouse.

At the side door they set him down for a moment's rest, then — three at a side, at the feet, the upper thighs and shoulders — they lifted him again and brought him up two flights of stairs to the jury room on the third floor that had been hired by the United States government.

Tony had not struggled during this. In fact he had stiffened his body when they carried him in an involuntary attempt to preserve some dignity, and looked not unlike some wounded hero being borne from the field. Marshal Freeman felt obliged to make some show of his office and stood in the doorway downstairs with his sword in his hand. But it was dark there and he held the weapon furtively and self-consciously close to his side.

When Tony was set down he looked around for the jeweler. But the only other person there was Pat Riley, who sat clutching his sword of office with both hands, remembering the last time they had held a fugitive in this room.

Butman swung the door shut and Tony saw that it had been fitted with a set of iron bars. The six deputies stood at the door.

— Where's the silversmith? Tony said.

— Where the hell is that jeweler? Butman asked the guards in broadly feigned impatience. They laughed. — How about that, Pat? he asked Riley.

The barred door, the mongrel dress of the deputies, the bored guilt of Pat Riley and the robust, tigerish self-satisfaction of Butman as he stood grinning at him, spoke to Tony at last and he knew he had been trapped.

His first feeling was one of deep disgrace and not anger. The fear of being taken back to Virginia and beaten was there, but not as much, not one tenth as much as the deep shame of being known as a slave. He sat slowly in a chair, holding his belly, burning hot inside. His mind speculated about the process of his capture. Then he remembered the letter to his pastor in Fauquier County. It must have been given to Suttle and Suttle was here to reclaim him.

In about twenty minutes, the Marshal came in with Colonel Suttle and William Brent. The Colonel paused at the door dramatically, expecting Tony to run through the formal attitude of a captured felon . . . the startled look, the wild rush, the hoarsely shouted denials and the wild rolling of the eyeballs with the sweat running from a twisted brow.

But Tony sat quietly, looking almost dispassionately at the slave hunters. The Colonel, feeling that some drama was needed to fix the scene, stepped over to him and took off his hat and bowed. — How do you do, Mr. Burns, he said sarcastically. — Why did you run away from me?

Tony answered in a low, composed voice, — I fell asleep on the vessel where I worked and before I woke up she set sail and carried me off.

The Colonel sat beside him, sensing Tony's resignation. — Haven't I always treated you well, Tony? Haven't I always given you money when you asked for it?

— You always gave me twelve and a half cents a year.

The guards smiled broadly at this. One snickered audibly and the Colonel got testily to his feet. — I'm not makin' you no promises and I'm not makin' you no threats but I'm here to take you back.

He joined Brent at the door. As they left, Watson said stupidly, — Is that the man? The Colonel nodded a complacent affirmation.

The Marshal and Riley followed them and Tony was alone with Butman and the deputies. They stood looking intently at Tony, expecting him to say or do something. The funnybone of Misters True, Page, Clark, Coolidge and Leighton had been pleasantly struck by the light irony of his last remark. Tony spoke next to Butman. — I thought you arrested me for stealing?



— Huh, said Butman, — I was afraid of a mob. I could have taken you when you left the store. I was standing right across the street.

— You never would have caught me if I knew.

— I would have shot you down, boasted Butman. He pointed his finger at Tony, bringing his thumb down like a gun hammer. — But I didn't want to spoil your pelt. They're gonna skin you alive.

He drew a half-smoked cigar from his pocket, set it cold in his mouth and swaggered off down the corridor.

— Asa's a pretty tough old bird, said Caleb Page as he shut and barred the door.

— He wasn't tough enough for the last darky he took. That one left a knife in his brisket, said Leighton.

— What ever happened to that one, I disremember.

— Oh, they had a rod in soak for him, Leighton said, settling himself in the nearest chair. — He's a dead duck, they say. Breathed out his last.

— That's because he resisted, said Caleb, looking at Tony in a knowing way. As Tony looked back at him, Caleb sealed his advice with a friendly wink.

These watchers and warders were not unfriendly at all. And when a generous collation of whisky, oysters and ham, procured at this late hour at great expense, was sent up to the room by the courtesy of Colonel Suttle, Tony was invited to participate with the others on an equal basis and urged without snobbery to have a swig from the common bottle. When he refused, he injured the feelings of Moses J. Clark, who said that there was no need of him to make a damned fool of himself.

Tony sat like a graven image in his chair. He saw himself in the little Church of Jesus Christ, Baptist, back home . . . rising from his pew just after the prayer and saying to the startled minister, — I saw you when you felt the spirit and when you kneeled to pray. I joined my tears with yours over the thief and the sinner. How can you cast me out and deny me to God's Brotherhood and keep in the man who stole me from my mother's arms? How could you betray me?

There is no one to trust, he thought. . . . And he covered the flame of his life and let the fires of intelligence and awareness die out of his eyes. He sat like a man under a spell, all through the night, withdrawn and not opening to anyone. Trust no one, not even yourself. He used an ancient, semiconscious sorcery of his race to bring on a catalepsis and sat as securely as a turtle drawn deep in his heavy shell.



## THE FOURTH WAVE

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THIS WAS THE DAY the battle was joined. The night before, Coffin had gone alone to the dedication of the new church. He had joined with thanksgiving in the prayers and had sung with the rest the songs about the Lamb, and the roll that was called up yonder, and Greenland's icy mountains, and bringing in the sheaves. But Tony wasn't there and he was glad to get away from the rejoicing at last and go back home and see how the boy was feeling. To a man as old as Deacon Pitts every man under fifty was a boy and a son.

He went into his kitchen, where Tony slept on a cot behind the stove, and found the bed undisturbed. He walked fearfully back to the shop and lit a candle and looked among the old clothes. He squeezed the empty arms and patted the flat backs of the worn-out coats on the rack, thinking in his panic that Tony might be hiding from him in a dark corner or under the rags. In his loneliness he talked to the cat about it. —Where's Tony, kitty-cat? he said, in his old man's quaver.—Find Tony, kitty.

He didn't go back to the church. He went as fast as his legs would take him up Washington Street to Essex and then down to Exeter Place. But as he rounded the corner he saw the gas lights being turned out in the high study, and Parker found him shivering on the doorstep the next day when he stuck out his head to get a taste of the morning.

Parker helped the old man into the kitchen and made him some coffee. He didn't scold him for not waking him up in the night. He would have if he hadn't known that Coffin Pitts was perhaps the most painfully courteous man in Boston.

And when Coffin told him of the disappearance of Tony, he blessed him for breaking the clot of uncertainty he had carried in his head for the last three days. He exuded so much confidence and sunny determination that Coffin laid down his burden and began to doze off in his chair. Parker put

him to sleep on the sofa in the parlor and started off for the Courthouse. His indignation raced through his veins like joy.

\* \* \* \* \*

The rabble posse were finishing up the remnants of their refreshments and stumbling haggardly about, putting the jury room to rights. They had heaped up their empty bottles and swill on the table when Judge Loring peeked in, curious about the progress of the event. The stench of stale smoke, whisky, of bodies cased in dirty clothes through the sweatings of a May night, of old oysters, mustard and onions nearly felled him. He scurried downstairs to the Circuit courtroom, swallowing his vomit.

Butman hurriedly opened the windows and sent the guards out to relieve themselves and wash up a little. Marshal Freeman arrived with Ben Hallett. Ben was awed at the appearance of Tony, wrapped in somber brutishness. Freeman snapped angrily at Butman, — Clean this mess out of here.

Butman sullenly began to gather up the debris on the table. Ben looked around in wonder. — How do you do it, Watson? This is a Courthouse. You use it for a jail, a boozing joint and a dance hall.

— It's paid for. We got a lease, said Watson. — Hurry up, Asa. Judge Loring might come up to see the prisoner. I don't want him to see this place looking like a pigsty.

When Butman started to walk out the door with a handful of bottles Ben swung around and spoke nervously. — Good God, Watson, are we to be left alone with this prisoner?

— Put the irons on him, Asa, Watson said.

Butman dropped the bottles with an angry clatter and roughly snapped a set of handcuffs on Tony's unresisting wrists. He picked up the bottles again and shuffled out. Watson slammed the door behind him.

— This is a mess, Watson, said Ben, wrinkling his nose in disgust. — We've got to get it over with. The whole atmosphere is abhorrent.

Watson went gloomily over to the window and leaned out.

Ben stood before Tony, studying him. — I suppose you're pretty bitter against us.

Tony did not even raise his eyes above the heavy gold chain on Ben's flowered vest. He said nothing.

— You seem to be taking it calmly enough. That's very wise. We have nothing against you, but the law must be carried out. Colonel Suttle is disposed to forgive you for the wrong you have done him and all the expense you have put him to. I have an idea you will be purchased and set free.

Still no response from the captive. Ben crossed over to Watson and looked out of the window with him. In the yard the guards were staggering around the pump, holding their heads under and splashing one another like schoolboys. Ben turned back to Tony. — Remember, right now we have nothing against you. Colonel Suttle says you're a truthful man and have never given trouble before. I should say, up to this point you have been a credit to your race. How did you happen to get into this mess?

Tony shook his head sadly. Trouble and betrayal. He had never known betrayal before, but trouble . . . he was born to it.

Hallett took the movement for a sign of submission and guilt. He patted him on the head with a good-dog gesture. — You just let us get this over quietly and I'll give a hundred dollars out of my own pocket for your purchase.

\* \* \* \* \*

Parker was near the end of Washington Street when he ran into a member of the Vigilantes' legal committee. He was Charles Mayo Ellis, who had just arrived from his home in Roxbury. Parker sent him over to the Courthouse, to investigate and hold the fort, while he got Richard Henry Dana, their leading attorney. He stopped a small boy and sent him to the railway depot at Haymarket to find Wendell Phillips, who he knew was scheduled to address a morning meeting of the Lynn Ladies' Anti-Slavery Society that day. Then he started for Dana's office, hoping that Dana had risen at his customary early hour. Dana was at that very moment being told by one of the Courthouse hangers-on that a slave had been taken.

The first one to see Tony after he had been brought, still in irons, down to the Circuit courtroom, and sat in the prisoner's box, was the Reverend Mr. Grimes. Grimes had approached the prisoner timidly, as he was flanked on both sides by armed men, and asked him if he needed help. He was abashed by Tony's indifference to him and walked hesitantly to the rear of the courtroom and sat down, determined to observe the affair in spite of the baleful looks of Butman, who asked Ben Hallett for permission to throw him out.

Ben wisely demurred, feeling it was safer to have Grimes where he could be watched instead of in the street, stirring up trouble. — Don't throw him out, you fool. Keep him in here by force if you have to.

When Suttle arrived with Billy Brent and his counselors, Seth Thomas and Mr. Kerr, he spoke once again to Tony. — I'm makin' no promises, Tony, and I'm makin' no threats.

They sat within the bar. Hallett took a seat at the clerk's table. Riley, prowling around the square in the early morning, had picked up six more roustabouts, homeless as tomcats, sent them to the jury room to breakfast on whisky and scraps, and then deputized them. — I've doubled the guard, he told Ben nervously as his new boys stumbled in.

— You mean they're twice as bad? said Ben with a disgusted look. Riley smiled feebly back and waved the reinforcements over to seats in the jury box.

Ben could not take his eyes off Tony as he sat in the prisoner's chair. He asked Watson if they had given him laudanum or some other sleeping potion to keep him quiet.

— I don't give a tinker's damn if they slugged him over the head as long as he keeps his mouth shut, Watson said.

Watson was more worried at this point about Seth Thomas, Colonel Suttle's lawyer. Thomas was a long-winded man, ornamenting his speech and his person was his greatest joy. He was a man of large circumference, shaped like a decanter turned upside down. He wore the daintiest of shoes on his tiny feet. His white trousers were tapered skin-tight to the ankles, and the straps passing under his arches were drawn taut. His coat was fine white linen and his stock was of heavy black silk. The coat was cut away sharply and his watch chain, heavily chased, seemed to reach halfway around him with his waistcoat pockets set more at his side than at his stomach. He didn't want the rotunda of his magnificent belly lumped with watches and such. His hair was white and cut in long bangs on his forehead and came around his head in an even circumference, and when he shook his head in a flight of oratory the fluffy strands danced like a big white flower in the wind. He stood like a dancer, his toe constantly making a point in front of him.

This was all deplored by Marshal Watson Freeman, who had watched his performances many times. Watson had a hack waiting outside for the transport of the prisoner. The steamer was ready at the wharf, the fires were up, and if this thing took more than fifteen or twenty minutes his schedule would be shattered to bits.

Suttle admired his lawyer but thought he looked rather expensive for the job at hand. Two lawyers . . . Mr. Thomas had his junior, Mr. Kerr, there with him. But Mr. Kerr didn't look very expensive. The Colonel hoped that Mr. Kerr was just an apprentice and wouldn't even be mentioned in the bill.

They all had to wait for the Judge. The Colonel began to fret. — Where's the Judge? Do we have to wait on him like this?

Ben tried to soothe him with a recital of the details required to make this short hearing bear fruit. — And I'm sure almost nothing will appear in the papers about it. That's why I'm telling you all this. When you get home it'll be a nice yarn to entertain your friends.

— Why ain't there goin' to be nothin' in the papers? demanded the Colonel angrily. — My friends put up considerable money for this case and they want it to be noticed. I intend to put a puff in the *Richmond Examiner* about it.

— Of course, Ben said. — After it has been carried out there'll be a complete report in the *Post*. But now we want the praise and not the blame, don't we, Colonel?

The Colonel looked up just then and saw a short, distinguished-looking man standing in the doorway. His hair was curly and worn long, touching his broad shoulders. He smiled at the Colonel and started to come in. The Colonel stood up. He took him for a judge. He had the dignity of a judge, although there was no gray in his hair and his face had the shallow, fleeting lines of a man in his late thirties. He looked like a Southern judge, thought the Colonel approvingly, a cavalier sort of judge, not like old Loring.

— Sit down, said Ben. — It's Richard Dana. God help us.

The Colonel sat. Ben slumped low in his chair as Dana walked by.

— Are you in trouble? Dana asked Tony. — Have you got a lawyer?

Tony didn't answer him. Suttle partly rose again to fix Tony with a threatening look.

Dana saw the man was afraid. — You don't have to sit here without defense. I want to offer my services. I heard outside that you have been held here all night. It won't cost you anything.

Tony looked fully at him. The man was honest-looking and inspired trust. He dropped his eyes, trying to get back into his trance. But the man wouldn't go away. He stood there, silently holding the question. — It's no use, Tony mumbled. — I spoke to them. They know me.

— But it's got to be proved by law, Dana said. — They must have papers to bring you back, and if there's a mistake in them we might get you off. Do you want to go back?

— I don't want no more trouble. I don't want it no worse.

Dana looked around the courtroom. There were a dozen guards there and three lawyers, the United States Marshal and the United States Attorney. The man had been threatened. Now what was best for him? he wondered. If there was a clear case here, clear identification and an admission by the prisoner, should he resist as Thomas Sims had and be taken back

anyway and beaten to death? This prisoner wasn't the man Sims was either, by a long shot. He looked again at the prisoner, noted the scar on his cheek and his broken hand, mementos of an old resistance and a caution against a new one. He turned slowly and walked out of the courtroom.

The smiles of relief that came at his exit were checked as the Judge came in. The Marshal acted as bailiff and called out, — The court, everybody, rise.

Judge Loring waved them to their seats and fixed an angry glance at the jury box. — I didn't understand we were to have a jury on this case, Marshal.

— That's my *posse comitatus*, said Watson, apologetically.

— Then they can stand at the back, said the Judge. One of the guards tried to get up but, being both sleepy and drunken, he slumped back into his chair. The Judge winced. — Very well, let them sit there for the moment.

— Thank you, your Honor, said Watson gratefully. — We are handling this case under extreme difficulties.

— So it would seem, said the Judge. — Is that the defendant in the dock?

— Yes, your Honor, said the Marshal.

— And the claimant or his agent?

— Both here, your Honor.

— Then let us proceed. As a United States Commissioner, my duties are executive rather than judicial, and I intend to make this hearing more of an inquiry than a formal court proceeding. The question submitted is whether I shall award to the claimant, Charles F. Suttle, a certificate authorizing him to take back to Virginia the respondent, Anthony Burns, whom he claims as owing him service and labor. The facts to be proved are three. One: that Anthony Burns was his slave, by the law of Virginia. Two: that Anthony Burns escaped from slavery in Virginia. Three: that the prisoner is the Anthony Burns in question. If the claimant's counsel can prove these three points, I am empowered by this hearing to give a certificate allowing the immediate rendition of the respondent.

Mr. Kerr, the claimant's junior counsel, addressed the court. In a light tone, but with seemly gravity, he began to read a long document drawn up from the records of the Virginia court. It sounded odd in Boston, Massachusetts.

\* \* \* \* \*

Parker found Dana sulking in his office. He told Parker he had seen the prisoner a moment before. He paced up and down the room, his anger rising.

— What's going to become of him? Parker asked, in pretended innocence.

— I suppose he's to be sent back.

— Where is he now?

— In the prisoner's box in the courtroom on the first floor.

— Has he counsel?

— No.

— Then what are we doing here? Parker started for the door.

— I tried that, Dana said. — I offered to defend him but he didn't want me. He acted as though he wanted to go back.

— Under terror, of course. But we can reassure him.

— I don't know if we can. He's a miserable object, weak in mind and body. He had apparently made some statement to incriminate himself. There's no fight in him. He's pretty badly scarred from some old resistance. Mentally too, I suppose.

— As a lamb before his shearers, he opened not his mouth. . . . All the more reason why we should help him.

— As we helped Sims, I suppose, sending him back to his death? Let us consider our own responsibilities in this matter. The poor fellow obviously wants to go back in peace. He's made some reconciliation with his master and thinks it's best not to resist. Should we make trouble for him?

— Let's find out more about him. He's probably been in duress all night with inquisitors about him. This isn't the first time you've seen a prisoner under duress. Did you turn your back on all of them?

— Very well. But I don't think it will help any.

\* \* \* \* \*

Charles Mayo Ellis entered the courtroom through the passage and door reserved for lawyers and officers of the court. He saw the roughs lounging in the jury box, the little group of accusers dominated by the bulk of Ben Hallett and sitting directly under the judge's bench. Back of the railed-off rectangle of the bar, sitting alone on one of the spectators' bare benches, was Mr. Grimes. The room was dark with the curtains drawn against the morning sun. Mr. Grimes was indistinct in the gloom. He had his hands submissively folded in front of him. He did not look up as Ellis stepped in.

Ellis at once felt the off-balance there, the tight clump of hunters, the deputies moving and shifting in their chairs, wrinkling their foreheads and



jaws in soft asides, looking around with no concentration on the prey like dogs which, having run their quarry to earth, scratch themselves, paw the ground, shake their ears and shoulders and growl at one another in acknowledgment of the job completed. Their masters — Ben, the Colonel and the others — were tense, looking from their papers to the Negro in the prisoner's chair and then to the Judge, the master of the hunt. The whole party, with the concentration of legal ammunition, the relaxed but alertable force of the deputies, weighed heavily against the slight presence of Mr. Grimes sitting beyond the pale, on the silent side of the bar.

This was enough for Ellis's righteous anger. He began the case by losing his temper. He only half listened to Mr. Kerr, who was reading with great speed, bent on getting through the Virginia records in the shortest time possible.

Kerr now was at the description of the man named in the transcript: — *Said Anthony Burns is a man of dark complexion, about six feet high, with a scar on one of his cheeks and also a scar on the back of his right hand and about twenty-three or twenty-four years of age. . . .*

Ellis took another step into the courtroom. He had new boots on and they squeaked. Kerr looked around at him startled. Ellis was a dark man of the same size, but ten years older than the description, with long sideburns climbing down his swarthy cheeks. He could have shaved them and made another likeness, showing a scar below his left cheekbone where a skate had pierced it when he was a boy. Ellis put his hand to his face and tugged at his whiskers, holding Kerr's eyes captive.

Kerr turned back to the record and raised his voice to finish the transcript: — *It is therefore ordered, in pursuance of an Act of Congress . . .*

The man in the dock is a full-blooded Negro, thought Kerr. . . . Why didn't they say so? He's as black as coal and has kinky hair. His lips are thick and almost purple, he has his race stamped all over him. Why do they have to affect such nicety in the description? Why are they playing it down so much? Ellis sees the weakness of it. Up here a Negro is a Negro. Down there he is a dark-complected man and more, a son, a brother, a cousin, nephew . . . all these are admitted relationships. And there are the unadmitted ones, the mothers, the fathers. They are there too.

Kerr could not resist another look at Ellis as he laid down the Virginia record and reached for the other papers. He was appalled to see that Ellis had been joined by Theodore Parker and Richard Dana. Judge Loring's warrant said without equivocation, *Negro man*, he noted, as he began to read it out.

The Judge saw them too. He nodded briefly and turned back to attend



Kerr's reading. But he strained his ears in their direction, trying to catch the drift of their remarks.

— I thought you would never get here, Ellis said. — Let's put a stop to this.

Dana shrugged his shoulders unhappily. — What can we do? The man wants to go back. I was here before and he refused me.

— Let him refuse, said Ellis hotly. — We shouldn't let Hallett get away with this. Loring is sitting as a judge. The prisoner has no counsel. There's no jury. He is under guard and intimidated.

Now the whole body of accusers turned to look at Ellis. His face was inflamed and his voice was loud.

Dana raised a hand to quiet him. — Let's see what line the prosecution takes before we interfere.

— Then it will be too late, said Ellis. — Loring can't do this. I'm not going to let him get away with it.

Dana took Ellis by the arm. He tried to steer him out the door. — Let's not get violent. Loring is a just man, he's fair.

— Then why doesn't he appoint counsel?

Ellis shook off Dana's hand. Dana looked over at the Judge. Loring flicked his fingers slightly at him, asking Dana to bide his time. — The man doesn't want counsel, said Dana.

— What difference does that make to Loring? He's trying to settle this thing and have that man headed South within the hour.

The balance shifted again. Wendell Phillips came in with Robert Morris, a colored lawyer. Dana was standing stubbornly against Charles Ellis. Parker was looking sadly at the floor, waiting for the lawyers to hammer out their differences.

Watson Freeman now took his place before the court and told of having carried out his duties, arresting the man and bringing him there for judgment. He was nervous and read his papers so shakily the guards laughed at him.

Phillips asked Ellis what was happening. — I want to interfere, Ellis said, — but Dana wants to wait.

Dana turned stiffly away. — I can't question Judge Loring's motives at this point. I've always considered him an amiable, humane and conscientious gentleman.

— He signed the warrant, didn't he? asked Parker, harshly.

— That didn't commit him to render up the fugitive, Dana snapped.

— Let's step out here and talk, said Phillips. — We don't want to have them see us fighting among ourselves.

He steered them a few steps beyond the lawyers' door where they could quarrel privately and still hear Watson Freeman stumbling through his legal litany.

Phillips turned sharply to Dana. He was his kind. They had both sipped from the silver spoon, both descended from rich and illustrious lines. They had a class bond, but here the likeness ended. Phillips was tall and fair, full of daring and eloquence. He took the most extreme of positions as if they were a mark of natural distinction that only an aristocrat could rightly claim. He mocked at property, protocol and the meanness of the law in a kingly way, careless of supporters and popularity, saying, My realm encompasses only ideas, conscience and common sense, and there I am the law.

— You're coming in with us on this, aren't you, Richard? he said.

— Yes, said Dana, — if there is anything a lawyer can do. But I'm not going to compromise the dignity of the court. This situation is as horrid to me as to you. But I hate it for what it does to the law as much as what it does to the man. I'm willing to interfere if the move is carried on as a legal process. I'll give the man the best legal defense possible. But I will not tolerate violence or disrespect for the court.

— Good, good, said Parker. — It's about time somebody put that to a full test. Try it along this line and if we have to write it off the books as a failure, we can turn to something else.

— Let's get back, said Ellis impatiently.

— Why don't you give the Judge a chance? said Dana. — He might appoint counsel himself for the man.

— Who'll he appoint, asked Parker scornfully, — Ben Hallett? If he does that he'll name some hanger-on. We don't want that.

— Some bill collector like me, said Robert Morris. — I could defend him if they held the trial in the small-claims court.

— Oh, we shall want you, Robert, said Phillips, afraid the Negro lawyer was offended at being passed over. — You'll be on the staff.

— You can have me to lean on, said Morris with a smile, — but you'd better have Richard Dana to smite.

They stepped back into the courtroom. Parker and Ellis exchanged uneasy glances. Parker looked at Dana. Dana raised his eyebrows casually, blandly, signifying he was going to wait it out, give Loring a gentleman's chance, hope for the best.

Suddenly Parker broke from the group and walked over to the prisoner. Everything stopped short. Watson stopped reading and slowly sat down. The prisoner's chair stood in a little enclosure, surrounded by a waist-high

wainscoting. Parker peered over it at the Negro's hands and feet.

— I thought so, he said indignantly to the Judge.

He looked a moment at Tony, looked like a schoolteacher at a bad boy.

— So you want to go back, he said, finally.

Tony made a halting, negative movement, almost imperceptible.

Parker looked again at the Judge, courting interference. The Judge held his tongue. Parker looked over at the Marshal and Hallett. They dropped their eyes under his defiance.

He turned back to Tony again and said, somewhat truculently, — My name is Theodore Parker. Perhaps you've heard of me.

— Yes sir.

— Well, I'm not a lawyer. I'm a minister. I'm a minister at large to all fugitives. That makes you one of my parishioners and a member of my church. I think that gives me the right to talk to you, courtroom or no courtroom.

He looked over at the Judge again. The Judge swallowed hard, said nothing. Parker turned swiftly back to Tony.

— I don't think I should let them take my parishioners away from me. If they go on like this I'll have no parish left and then what'll I do? Huh? He looked up at Tony at the end of the question.

Life was beginning to come back into Tony's face. Tony tried to keep it down. He didn't want to feel any hope or power or courage. Worse than all these, this man made him feel elation.

— If they take away my parish, continued Parker, — I'll have to arrange to exchange with some pulpit in Virginia and preach down there. Do you think I should do that?

Tony, against his will, smiled a little. — No sir, he said.

— Because I'd end up in a courtroom, wouldn't I? And there'd be a bunch of lazy dogs after the price on my head like the ones that are after yours. Am I right?

The two guards beside Tony began to stir themselves. They looked up at Watson Freeman, wondering whether he was going to defend them. Freeman sat impassively.

— Am I right? persisted Parker.

— Yes . . . sir, came the answer slowly.

— So I'd sit in the courtroom, and let them sentence me without opening my mouth to defend myself, wouldn't I?

— No sir, said Tony loudly. Then he said it softly and with embarrassment. — No, sir.

— Then why are you doing it? You're as much of a man as I am. Sup-

pose they passed a law saying all bald-headed men are slaves. Do you think I should submit?

Tony looked around. He was very nervous now. This man was drawing him out too much. This was not the role he had decided upon. He was supposed to be ignorant, doltish. That was the best role, with the least said, the soonest mended. He had seen it all happen before, open your mouth and you're cooked. Keep still and even this will pass away. But the question was in the air and he was a man and he knew a thing or two. He was not as good a man as the preacher but he was a cut above the dirty white men who had tried to force him to eat and drink with them in his sorrow.

— That would be nonsensical, he said finally, in answer to the question.

— Exactly. And it's just as nonsensical for you to submit because your skin is dark. I know you've had rough treatment lately but I can see that you're a pretty smart fellow. Can you read and write?

— Yes sir.

— Then defend yourself. I heard about your arrest not half an hour ago and now I see you have five or six friends in court. Look over there: there's Richard Dana, the best lawyer in Boston. And Robert Morris, he's a lawyer. And Wendell Phillips and Charles Ellis, two more of that breed of cats. And over there on the back bench is Mr. Grimes, one of my breed of cats. And behind us there's a thousand more. Will you let us defend you?

Tony leaned forward in his chair, thinking to save Parker some embarrassment. — They know me, sir. Mr. Suttle and Mr. Brent knows me. It's too late now and if I must go back I want to go as easy as I can.

Parker had leaned to Tony, but when he heard the beginning of the confession, he pulled sharply away. Then he said in a loud voice, — Do you want us to defend you?

— You may do as you mind to, said Tony in a mutter. And when Parker came close to him to have him repeat it, the guards angrily pushed him away.

Parker walked back to the group. He looked significantly at Dana. Still Dana shook his head, Not yet — Loring is weak and the law tyrannical. Let's not force him to take a stand. If we interrupt him now the most we could get is a postponement. If they put a witness on the stand and the witness makes a false statement we will have a case.

Parker gave him a disgusted look and flung himself into a nearby chair. The others sat too. Ben Hallett was tickled at the dissension and kept poking Watson happily under the table.

Lawyer Thomas now rose to carry on the case. He had ignored the ac-

tions of Parker, giving no visible signs of annoyance. He put on his spectacles, first brushing away his bangs, and called William Brent to the stand.

Brent began by saying that he was a merchant from Richmond, Virginia, and a close friend of Colonel Suttle. Mr. Thomas questioned him in a casual way, reading from a paper on which the answers were already placed in a preliminary rehearsal.

— Do you know Anthony Burns?

— I know Anthony Burns.

— Do you see him now?

Brent followed instructions by looking carefully all over the courtroom and then turning fully on Tony. — Yes sir, he is the prisoner at the bar.

— Will you state further what you know about him?

Brent paused a moment and then recited a little piece that he had learned with great difficulty. — He is the man referred to in the record. He is a slave. He was formerly owned by the Colonel's mother. Colonel Suttle has owned him for the past twelve or fourteen years. I hired him from Colonel Suttle in '46, '47 and '48. I paid Colonel Suttle for his services.

There was a long sigh of relief from the Colonel when Brent got through with this. He had insisted that Billy could never learn it but Billy had and he was proud of him. That declaration could stand anywhere and that was all that had to be said. The man was identified by a reliable witness and ownership proved by law. It was all over but the shouting. Brent started to get off the stand but Mr. Thomas waved him back. The Colonel turned to Ben. — Isn't that all Billy has to tell? That proves it.

— We want to get something about the escape in the record, said Ben. — In case we find out who brought him here and want to prosecute. Just politics, Colonel, don't worry about it.

— Oh, politics, said the Colonel, settling back.

Thomas nodded at Ben and turned to the next question. — Do you know that he escaped?

Brent looked puzzled. This was new material and he hadn't rehearsed it. He didn't know what this Yankee lawyer was aiming at here but he'd oblige him, within reason.

— I knew he was missing from Richmond last March.

— Have you seen the slave since?

— Not until a day past, when I seen him with his master.

— What happened on this occasion?

The words *master* and *slave* had been falling like hammer blows on Parker and suddenly he couldn't stand any more of it. He leaped to his

feet and looking straight ahead he said, — You're wrong, Dana. This man must be defended now and if you lawyers won't then I will.

The Judge took up his gavel angrily, a little dazed by the abruptness of the attack. The Marshal's posse roused themselves and one or two stood up and assumed threatening poses. Thomas walked slowly to his seat and sat, waiting for order to prevail.

It looked as if the Judge would clear the court. But it would be an idle gesture, Mr. Grimes being the only spectator. And if he put Parker out he knew the story would be all over town in a matter of minutes and all sorts of things would happen, mobs and explosions, sermons, too. And this business would drag on and get worse and worse. He saw Ben Hallett looking at him accusingly. He had to do something.

— I pray your Honor's judgment, said Richard Dana, getting up. — I rise to address the court as *amicus curiae*, for I cannot say I am regularly of counsel for the person at the bar. Indeed, from the few words I have been able to hold with him, and from what I can learn from others who have talked with him, I am satisfied that he is not in a condition to determine whether he will have counsel or not, or whether or not he will submit a defense.

The Judge laid down the gavel with relief. This was a fortunate interruption. — Proceed, Mr. Dana, he said.

— Under these circumstances, I pray your Honor's judgment that time be allowed to the prisoner to recover himself from the stupefaction of his sudden arrest and his novel and distressing situation, and have the opportunity to consult with counsel and friends and determine what course he will pursue.

This is where Mr. Thomas could earn his salt. He rose and came to the bench, shaking his head. — Your Honor, I must say I am duty bound to oppose this motion. The counsel himself says that the prisoner does not want counsel and does not want a defense. The only object of this delay is to try to induce him to resist the just claims that he is now ready to acknowledge. The delay will cause great inconvenience to my client and his witness, both of whom have come all the way from Virginia for this purpose. If it were suggested that the prisoner were insane, out of his mind and would be likely to recover soon, we would not object. As it is we do object.

— Your point is well taken, said Loring to Thomas. He had just decided to deny further discussion by Dana when Ellis stood up and then Parker rose again. If he denied Dana a hearing then Ellis would speak, and Phillips and Morris, and then Parker would add his two cents' worth, and

go out in the street and pick up half a dozen more troublemakers. It was a point he wanted to meditate a little. It would be hard to delay; at the rock bottom of the case stood the fact that all he had to do was drop the gavel and say, I consider the claimant entitled to the certificate. The papers were in order and the testimony of the witness full and complete. But . . .

He looked at the three against the court. They were formidable. Dana was a good lawyer and respectable. Ellis was radical but he had a good reputation and was a sober and dignified advocate. Parker was hard to describe. The only thing that he could set against the finality of the Colonel's case was the conviction that Parker wanted him to do wrong, to make a mistake, to act hastily, show cruelty and make fuel for the hellish fires that Parker kept alive.

— You may speak further, Mr. Dana, said the Judge.

— The counsel for the claimant misapprehends my statement. I did not say the prisoner does not want counsel. I said he is not in a fit state to decide for himself what he wants to do. He has just been arrested and brought into this scene with this immense stake of freedom or slavery for life at issue, surrounded by strangers; and even if he should plead Guilty to the claim, the court ought not to receive the plea under such circumstances. The claimant's counsel objects to a delay; he objects on the ground of inconvenience and expense to his client. I can assure him that he mistakes the character of this tribunal by addressing to it such an argument. We have not come to the state yet in which we cannot weigh liberty against convenience and freedom against pecuniary expenses. I know this court too well to think that it would hurry a man off to slavery to accommodate any man's personal convenience before he has time to recover his stupefied faculties and say whether he has a defense or not. Even without a suggestion from an *amicus curiae*, the court of its own motion would have seen to it that no such advantage was taken.

During this graceful buttering-up of the Judge, Ellis squirmed in rage in his chair. — This is the wrong tack, he told Parker. — He is still leaving the matter up to Loring's good nature.

He got to his feet; Parker pulled him down. — Let him finish, Parker said.

Dana smiled at the Judge and raised his hand gracefully, taking one or two steps toward the bench. — The counsel for the claimant says if the man were out of his mind he would not object. Out of his mind? Please, your Honor, if you have ever had reason to fear that a prisoner was not in the possession of his mind, you would fear it in such a case as this.



But I have said enough. I am confident your Honor will not decide so momentous an issue against a man without counsel and without opportunity.

With another smile at the Judge, he sat. Loring turned to Counsel Thomas for his rebuttal, wondering what sugared words he would be wooed with next. He began to phrase his reply to Dana . . . *not a real court, sad duty dictated by facts at hand* . . . and the man would have the satisfaction, at least, after that brief show of eloquence, of knowing that he had been given the best possible defense.

Tony had sunk into apathy again. The case had become routine. Counsel Thomas stood. He fixed the Judge with a knowing smile. Parker groaned in disgust. He hated these flattery contests. Suddenly Ellis jumped to his feet. Dana tried to hold him down, fearing he would undo the amiability he had so gracefully obtained. Ellis pushed off his arm. — *Amicus curiae*, he growled.

The Judge nodded. Thomas sat with a look of scornful boredom on his roman features.

Ellis's face was livid and his tone was rough. Dana shook his head in sorrow but Tony perked up a little at the angry shake in his voice.

— Your Honor, it is a great shame that justice has to interfere with the progress of this hearing. I know your Honor and friends had planned to have this man sped southward within the hour. But I have never seen a person vested with the title of judge carrying on his business in such haste. I have never seen such an unjust, unlawful proceeding. Any man would have interposed against this hot haste and disregard of decency for the prisoner. I have seen more time given to decide whether a strange dog would be shot. The man is still innocent and he is referred to as a slave by the claimant's witness without exception from the court. He sits constantly under the watchful eyes of his accusers; between two armed bullies. There are armed drunkards in the jury box.

He stopped a moment as Theodore Parker whispered a few words in his ear. — Your Honor, he continued, — I should like to have the man in the dock raise his arms to see if he is manacled contrary to the rules of all civilized court procedure.

— That will not be necessary, Mr. Ellis. This court is willing to address the prisoner as to a proper defense.

The Judge, appalled by this attack, waved Thomas to his seat and then, with a shake of his head, gestured to Marshal Freeman. Freeman covertly got the key from Butman and took the manacles off Tony's wrists. He led Tony to the bench.



— Anthony, said the Judge, — would you like a little more time to think this over? These men want to help you.

Tony mumbled something.

The Judge flashed a quick look at Ellis, who was still standing and still burning, and said, — Then I will take it you assent. I therefore postpone this hearing until Saturday next at the same time. He struck his gavel and walked quickly out.

There was an unhappy silence among the Suttlites. Parker congratulated Dana and shook his hand cordially, but he gave Ellis a hard poke in the ribs that was like a caress.

Hallett and his aides sat quietly until the courtroom had been cleared of the disrupters. Then he stood and looked at Tony. — You're a fool, Burns. These men don't care a hoot in hell for the likes of you. They just want to use you for ammunition in their damned rebellion. Your friends are here, at this table. I promised you a hundred dollars out of my own pocket if you'd go quietly, but you'll never get one cent from me as long as you listen to those Abolitionist sons of bitches.

The rest of the party was appalled at Ben's outburst, for he was, in public, a God-fearing and temperate man. They rose quickly and left, leaving him with Watson and the guards in the courtroom.

At the door, they nearly bumped into Parker again. He was standing there with a paper and pencil, noting down the names and number of the Marshal's posse.

Parker stopped Kerr and said blandly, — Mr. Kerr, you've spent a good deal of time around the Courthouse. Isn't that deputy sitting next to the prisoner Whistling Bennett, the crooked bookmaker who escaped from Leverett Street Jail three years ago?

— Yes, sir, said Kerr, in a low hesitant voice, — I believe it is.

— Thank you kindly, said Parker, scribbling it down. — I think I can identify the other public servants, but Bennett must have been in hiding up to now.

\* \* \* \* \*

Nick Queeny was waiting for Hallett in the Marshal's office. He saw him come in with his entourage, thunderclouds massing on his brow. Hallett looked sourly at Nick but he was glad to see him there. He led his staff into the inner office and shut the door. He wanted to lash out at them, to raise hell, but there was no one to blame. Asa had brought the man in without incident. Riley had kept him well all night in spite of the high

jinks that went on. Watson had the proper papers on tap and the lawyers there on time and even the hackman at the Courthouse door and the steam up on the boat. He had no one to curse, no one to take it out on. That's why he had been glad to see Queeny. He'd fire him. But even Queeny had done his job and got the place for the ship to dock. But he'd fire him anyway. His plan had got out of hand in a matter of minutes, it seemed. Dana had been bad but he had almost got by Dana. The Judge could have said the word and Dana would have been too late, with all his disgusting pap. Ellis had been digging at Dana to begin, Ellis had seen how touch-and-go it was. Even then the Judge could have wound up the case. And then Parker and the handcuffs, that's what put old Loring into a funk and made him soften at the last moment. The handcuffs and the ridiculous way Parker had pleaded with the prisoner to make a defense. God knows the darky would regret it and so would Parker. But the handcuffs . . .

— For God's sake, Watson, he bellowed, finally breaking the uneasy silence, — why did you have those irons put on his hands?

Watson split his lips open and replied without even parting his teeth, — You told me to.

In the outer room Nick was waiting anxiously for the summons to go inside. He saw another man enter and sit down on a chair by the door. It was the wharfinger from whom he had hired docking space for the steamer.

When the man saw Nick he got up and crossed to him. — You made me lose my job, he said.

Nick got up to remonstrate. Just then, Ben came slowly out of the inner room. He recognized the man at once.

— What are you doing here now? Ben said. — Didn't Riley pay you off yesterday?

— I've lost my job, Hallett; I got fired for letting you people have the wharf.

— That's not my affair, said Ben bluntly; — you were in charge.

— I didn't know you people wanted to send a nigger back.

Ben wheeled around to Nick. — What did you tell the man?

— He told me it was for a fishing party, said the wharfinger. — Old man Pierson nearly took my scalp off when he heard about it.

Ben shrugged his shoulders indifferently and waved a hand at Nick. — You'll have to take it out of his hide. He put the deal through. Mr. Queeny, why did you lie to this man and tell him you wanted the wharf for a fishing party?

— Because it was the last wharf on the list and when I told the others you sent me, they wouldn't even talk to me.

Ben put one thumb in his vest pocket and raised the other hand to his cheek in a gesture of slight embarrassment. — Well, I've got other fish to fry. You'll have to look out for yourself, sir.

— 'Tain't only myself, blustered the man. — I got seven kids, and jobs come hard nowadays.

— Can't you do something, Mr. Hallett? said Nick. — It was my fault it happened.

— I did it in good faith, said the man. — Right is right.

— Seeing your humanitarian instincts are so strong this morning, Mr. Queeny, how would it be if I gave him the opening you were to have at the Custom House?

Queeney paled at this but then manfully said, — All right, if he's got seven kids, he's welcome.

— See Colonel Green over to the *Post*, ordered Ben, placing his fat hand on the man's round shoulders.

The man grabbed Ben's hand and shook it warmly with both of his. As he left, he shook his fist under Nick's nose. Ben turned wearily back to the inner office. Nick stepped up to him, his hat in his hand. Ben stopped and studied him a moment.

— Have you seen your friend the Bishop recently? asked Ben.

— I seen him last night, after I went to confession.

— Is that a fish story like the one you told the man here? said Ben coldly, starting to turn the handle on the door. . . . All he had to do now was step inside and Queeney would be off his hands. . . .

— You'll find out pretty soon, sir; he might come over and see you.

Ben let go of the handle as if it were red-hot and turned with a sickly smile. — Oh, is that so? Well, you can tell His Honor or His Reverence that it won't be necessary. I intend to visit him sometime soon. I think I owe him the courtesy of the first call. Ben clapped Nick on the shoulder. — Did you tell him how busy we were down here?

— No, said Nick; — I just told him you promised me a job in the Custom House.

— That will have to wait, of course, said Ben. — But you can continue to draw your three dollars a day from the Marshal. We'll keep you on the rolls as long as we can. I'll tell Watson about it right away. There are so many details.

— Details, details, he muttered as he walked back into the other office, mopping his brow.

Nick sat down again by the door. He was going to sit there until Watson came out and then collect his three dollars and see his name in black and white on that sheet.

\* \* \* \* \*

Parker and Phillips went over to the office of the Anti-Slavery Society, 21 Cornhill, to attend to their details. Everything was there. Garrison stood at the composing bench ready to set up the story for the *Liberator*. There was a paid agent ready to do legwork and plenty of volunteers to distribute leaflets and mobilize a demonstration.

They decided to have a protest meeting the following night in Faneuil Hall. This would give enough time for the out-of-town members to read about the case in the *Liberator* and come out. That meant that Parker and Phillips would have to go before the City Council this very night and get permission to use the hall.

Sam May, the agent of the society, was to write to key men in the western and southern parts of the state. The messages could be sent by teamsters coming into the market that night with vegetables and fish.

After the paper had been set up, Garrison headed some petitions for the use of the hall the following evening. They would be brought around by the children of the members.

Parker wrote a leaflet for Garrison to print.

### KIDNAPPING AGAIN!!

A MAN WAS STOLEN LAST NIGHT

BY THE FUGITIVE SLAVE BILL COMMISSIONER

HE WILL HAVE HIS

MOCK

TRIAL

ON SATURDAY, MAY 27, IN THE KIDNAPPER'S COURT

BEFORE THE HONORABLE SLAVE BILL COMMISSIONER

AT THE COURT HOUSE IN COURT SQUARE

This would be sent out to the whole state by sympathetic fireboys on the trains, stage drivers, truckmen from Lynn with shoes for the Boston warehouses; ladies in trailing brocades would pass them out on tree-lined streets in prim towns, sailors would leave them in dockside taverns, telegraph operators would send the message along the lines free-gratis and hire their own substitutes to cover them when they came up for the meeting. And when people got a batch of them to distribute, instead of putting out their

hands for three dollars a day and found, they would drop a few coins in the hand of the agent to pay for the paper.

Sam May showed Parker one of the letters he had written.

DEAR MR. HIGGINSON:

Last night a man was arrested as a fugitive slave. Master is here from Virginia. Case brought before Judge Loring. Now adjourned to Saturday at nine. We have called a public meeting at Faneuil Hall for Friday evening. We want to see Worcester well represented there. Give all the notice you can. The friends here are wide awake and unanimous. The country must back the city, and if necessary lead it. We shall summon all country friends. Come strong. 'Tis said the man in private expressed willingness to go back, but not in public.

In haste, yours,

S. MAY JR.

— That's good, Sam, Parker said. — But hold it up until we're sure of the hall. I'll be back at seven with Phillips to pick up the petitions.

And so he was. And what is more he had been able to start his sermon for Sunday and had got on well with it.

The petitions were on the table in the office. There were one hundred and fifty-seven names on them. More than a thousand leaflets had been printed and five hundred were already on their way down the North Shore on the Eastern Railway. Austin Bearse, the sea-going Abolitionist who kept the secret list of the Vigilance Committee, had alerted nearly all of them for a meeting the next morning in Tremont Temple.

All Parker and Phillips had to do now was get permission to use Faneuil Hall. It wasn't always given. But these two were old soldiers, old agitators, and their hides were as thick as buffaloes'. They were used to plowing ahead, expecting opposition and rebuke, used to getting nothing as a favor but always as a hard-won concession after blistering the powers that be from center to circumference, as Garrison put it. So they walked in due time into the Aldermen's Chamber without faltering or an inward wince, laid the petitions on the chairman's desk and sat back to wait their order of business.

When their question came up, Phillips got at once to his feet, bracing himself for the worst. — Your Honor and Aldermen, doubtless some of you will look with disfavor on this request. I have heard it remarked that we have no right to the use of this institution. But gentlemen, who built

Faneuil Hall? Peter Faneuil's ancestors were themselves Huguenot fugitives from an edict almost as cruel as the Fugitive Slave Bill, and only he whose body and soul refuses to crouch beneath inhuman legislation has a right to be heard there.

He paused a moment; Alderman Williams had asked for the floor on a point of order. Phillips was startled. He sat down, studying the man who had interrupted him.

Alderman Williams was no match for Wendell Phillips. He was a small, molelike man with soft brown eyes almost hidden by a fleshy snout of a nose. His voice was weak and he had a bit of a burr in it and his great earnestness made his poor delivery uncomfortable to listen to. He said he was sorry to interrupt the gentl'm'n but he knew the gentl'm'n and his friends were very busy and he wanted to help them and get things over with. He pulled a small paper out of his pocket and began to read uncertainly: — *In view of the outrage committed in this city last evening, I move the usual formality of referring the petition to committee to be dispensed with and that the petition be granted immediately.*

The motion was unanimously carried, and when the petitioners rose to go their hands were grasped by nine others, and the Mayor said that if he hadn't a previous engagement, he would have liked to chair the meeting himself.

This emboldened Phillips to ask if the city police would be used, as they were before, to carry out the rendition of the fugitive.

— No, said the Mayor, — we want no repetition of the Sims affair.

This remark, unexpected and un hoped for and added to the avowal of willingness to chair the meeting, quite took the wind from their sails and they walked silently away from the City Hall, each in deep thought . . . wondering if the history of their cause and of their lives had taken a sharp turn.

— I suppose we should go on our way rejoicing, said Phillips after a while, — but I confess I am greatly puzzled at this development. Why did Ben Hallett cross party lines and entrust this rendition to a Whig like Loring and a fair-minded one at that? Why is the Mayor so friendly and why are the aldermen so free?

— There are great forces waiting on this event, said Parker. — We have been searching for a mere knothole to let a beam of light in on this country. With this, we might be able to throw open the door on all its darkness. Perhaps the time has come for the Anti-Slavery Society to stop acting like a patent reformer who screams in your ears that he can finish the world with a single touch.

Parker looked around slyly at Wendell as he said this and Wendell rose to the bait. He stopped short in his tracks.

— I have been thinking along the same lines. Without us up there on the platform this could be a very respectable meeting. Furthermore, I have an idea that if we went back to the Mayor and both said we had engagements elsewhere tomorrow night, he'd reconsider and act as chairman.

Parker looked up at Phillips to see whether he was teasing him — but the other man's face held only complaisance.

— It's up to you, Wendell, he said, somewhat gruffly. — If you think it's right and worth while, I'll arrange to be out of town tomorrow night.

— Good, said Wendell, swinging him around. — Let's go back.

Phillips stepped out in the direction of the City Hall at a good pace but Parker lallygagged behind him. — Am I walking too fast, Theodore? he asked politely.

Parker seemed to be actually limping along. — I'm not so young as I was. I have to work now with my will. I used to work with an impulse that required the will to check it.

The affectionate mockery now working in Phillips prompted him to say, — All the more reason why you should take a rest and let someone else assume this burden.

He gave Parker his arm and Parker leaned rather heavily on it. After they had almost reached the City Hall steps Parker said in a sad tone, — I have been thinking, as we walked along, of Abby Foster. There's a woman who traveled all over the North for the woman's cause, bearing her burden in the heat of the day. She was treated as an outcast, hated by men and women. Every vulgar editor threw a stone at her, picked out of the mud. Now **that** the Woman's Rights question has won a little respectability, and they can manage a big convention, they think it's better for her to sit beneath the platform, lest it hurt the cause.

— If our good luck holds, said Phillips, planting his final barb of retaliation, — we won't need any platform. Perhaps this meeting tomorrow night is a waste of time. After all, it's up to Loring. He has a good record in the Probate Court, is known as a kindly man among the widows and orphans.

Parker nodded his head. — I must confess I was much impressed when he looked so fatherly toward Burns, like a good Judge of Probate, and asked him if he wanted more time.

— He was Horace Mann's law partner too. I don't think we have any-



thing to worry about in this case. Let's make our regrets to the Mayor and bow out.

There was a short pause. — No, no, shouted Parker, suddenly and violently. — With a spurt of his pen Loring dashed off the liberty of a man. He left a warrant for seizure with the Marshal and then went home to his family, caressed his children and smoked a cigar. As for the Mayor, he's a fool and I wouldn't trust him with a Sunday School class. Let's get back up to Cornhill and do our job as we ought to.

Phillips suppressed a deep, satisfying chuckle.

\* \* \* \* \*

When they got back to the Anti-Slavery Office they found Garrison still pulling leaflets from the hand press. But there were already high piles of them on the splintery top of the table by his side, all wrapped and noted for delivery to the South Shore, the Worcester Pike, the North End, the South End, the Hill and State Street.

The smell of the wet ink had a freshness to it that reminded Parker of new-baked bread. He caught up a bundle and held it to his nose. — Oh, how I love that smell! It's like gunpowder to the nostrils of an old soldier. Let's put them out while they're fresh, Wendell. The evening is still young.

— That's the least of our tasks, said Phillips. — We must make up a report on the aldermen's position for the paper. There's power going a-begging. We must put a bid in for it at once. Let's run a box on the first page of the next edition.

TO WHOM IT MAY CONCERN:

*Whereas* the Mayor and Aldermen of Boston have given up the business of man-stealing as a municipal function and have relieved the police force and law officers from this odious duty . . .

*We, the people of this city, wish* to bid for the services of this agency to succor and protect our Negro citizens from any and all Southern invasions against their liberty, and to arrest, confine and punish all kidnapers of men . . .

Garrison's hands and arms stopped their smooth, steady motion. His head turned to Phillips in a quick birdlike motion. His eyes brightened happily behind his glasses, saying, But can this be?

Parker put down the bundle of leaflets with a bit of a slap. He looked for a moment at the name scrawled across the wrapping. STATE STREET, it said.



— Now hold on, Wendell, hold on. I can see Garrison reaching for the boldest type on the bench to announce the millennium, no less. I don't think we're that close. Power never goes begging. It's never left without a possessor and we can't pick it up from a Lost and Found column. If it has fallen from City Hall it has landed somewhere else. When the kings dropped it and the priests and the military, it passed to the hands of the capitalists and the same thing will happen if the politicians let go their hold.

— There you go, baiting the capitalists again. I find a great deal of inconsistency in your position on this, Theodore. First you say they control every act of the politicians and now you say they will pick up what the politicians drop. If they are one, as you usually say, they will drop the thing together. Then you are always attacking their morality, saying they have none.

— Oh no, I don't deny their morality. I simply say money is their morality, as well as their religion, their culture, their brains . . . and if not their brains, their brass, which is better.

— Then why not give up the struggle altogether? Why not wait until their money is gone or their profits abolished? Is it because of this reasoning that you are not a member of the Anti-Slavery Society?

Garrison stepped between them, holding up his hands for a halt. — This could go on all night. I can neither arbitrate it nor work while it is going on. But I have a good suggestion. Why don't you take this bundle I have marked for State Street and hand them round at the Merchants' Exchange? You can judge, by as many as drop from their hands unread, how much of the power is still resting there.

— Excellent, said Parker. — If the power is there, their hands will be too full to hold the leaflet.

\* \* \* \* \*

Time and work in a seaport town like Boston was measured more by the tide than by the clock. So Garrison, who like other Bostonians glanced daily at the chalk marks announcing the water's ebb and rise, knew that the hierarch shipowner and merchants would be lounging, reading and bickering even at this late hour at the Merchants' Exchange and Reading Room, waiting to hear what argosies were to be dealt with at the ten o'clock high.

The Exchange was the heart of State Street. Its builders had set it up with columns of Siena marble, Corinthian capitals and a grand dome of colored glass, every inch the Temple of Mammon that it should be.

The walls were adorned with bulletin boards giving off, with their fine-veined minutiae of prices and profits, a symbolic glint of gold more impressive than if bricks of the metal itself had been used to support the arching tangents of the roof. Pierced through the nipple of the dome was an immense weathervane to show which way the wind and the wealth came from. Alongside the walls were triangular racks bearing their banners, which were also their chief weapons, the broad white sheets of the commercial press of Boston.

In the center of the black-and-white-squared marble floor this night stood old John Pierson, head shipowner of Boston, looking up to watch the way of the wind. There were others around him, other men of port, looking up too and toying likewise with their gold toothpicks. Some of the lesser of the herd grazed among the newspapers and shook their heads over the first thunder rumblings of the Burns story.

When the door swung abruptly open and Parker and Phillips stood for a moment there to accustom their eyes to the glare of the gaslights, the lesser bulls looked up startled, and then trotted over to stand apprehensively alongside the rump of the chief bull of the herd. There was a double baker's dozen of them in all, and they drew close together as Parker, lurching along with an uneven roll of his heavy shoulders, his head carried forward and slightly low, and Phillips, erect and light in his stride, but equally wolfish, moved in an arc toward them over the chessboard floor.

John Pierson flashed his small eyes at them for a split second but kept up his pretense of studying the weathervane. Parker offered a leaflet to a man standing slightly apart. The man turned his back scornfully and moved into the defensive circle of the herd. Another looked at the paper for a moment, then thrust his hands into his pockets. In the corner, the Secretary-Factotum was sitting nervously at his desk. He caught the scent of fear coming from his masters. He got up and marched bravely over to the two wolves. — Pardon me, gentlemen, but I don't recall that you are members of this club. I regret to say that admittance is given only to subscribers.

— What about newsboys, said Parker. — Don't you let them in?

— Well, yes. The Secretary paused and smirked optically at his employers. — I did not understand that that was your business.

— It is, said Parker, handing him a leaflet.

The Secretary reached into his vest, drew out a penny and dropped it into Parker's hand. The others tittered. Parker dropped it calmly into his own pocket and began to walk slowly around the herd, trying to catch a

friendly or a fascinated eye. Suddenly he stopped before a moon-faced youth who was trying in vain to look everywhere but at him.

— Hello, Chester, Parker said casually. — I haven't seen you at Sunday School lately. Won't you take one of these broadsides?

Chester swallowed hard and then said as quietly as he could, — I don't mean to be rude, sir, but I'm working for Mr. Pierson now.

— Excuse me, Chester, said Parker, his big voice echoing up to the dome itself. — Why don't you put a big brass collar around your neck so we'll know whose dog you are?

— Take it! God damn it, take it, Chester, said John Pierson. — That's the only way we'll get rid of them.

Hands came out to grasp the leaflets. Some dropped silver into the vendors' palms. — There is no charge for this information, Parker said, — but any contribution to the cause is gratefully received. John Pierson with a contemptuous grunt balanced a silver dollar on his thumbnail and flipped it at Parker. Parker missed it and Chester scrambled for it on his hands and knees and handed it to him.

Phillips nodded at Parker, and they walked back to the door and out. Then they stood anxiously at the great windows on the portico, watching for effects. John Pierson read his through quickly and opened his hand and let it swoop and settle gently to the floor.

— One, said Parker.

Chester crumpled his into a ball and threw it down. Others began to fall! six . . . seven . . . eight . . . nine.

— Alas, said Parker. — The floor of hell is thick inlaid with patines of bright hopes. . . . He turned to go.

— Wait, wait, said Phillips. — Look at John Pierson.

John Pierson, with beet-red and thoughtful mien, was stooping to the floor to pick up and study with ponderous gravity the rejected leaflet.

As if this act had been a signal to disperse, the herd dissolved and stood in twos and threes studying and debating the papers in their hands.

Phillips turned to Parker. — Now there are only eight with their minds made up. Eight out of twenty-six. See how they change about when the old bellwether speaks.

— He's not a bellram. He's a Judas goat. But you are right, my friend, their ranks are divided. Parker smiled and pulled at his beard. — There's power a-beggin'.

## THE FIFTH WAVE

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THE FIRST TASK on the fifth day was to ask Dana formally, in the name of the Vigilance Committee, to defend Burns. Parker asked Phillips whether he minded going alone. Parker knew he'd get into some kind of wrangle with Dana, and felt that the lawyer might be annoyed with him for forcing his hand the day before. To all intents and purposes, Dana had taken Tony's case, but he had to be asked and all arrangements had to be in good order.

Even the visit and request of Phillips wasn't enough to satisfy Dana. He had to be sure the fugitive wanted him. — I don't want to obtrude on the man, he said.

This was just the sort of thing that would put Parker's back up; but Phillips knew what to expect and, after a mild protest, he went over to the Courthouse to see Tony Burns.

Ben Hallett also knew the mold of Dana's mind and he had instructed the Marshal to have Phillips or any of the known Abolitionists barred from seeing the prisoner. The Marshal's men had muskets now, and they pointed them at Phillips and ordered him away from the room.

— You've got no truck with him, said Watson as Phillips protested. — Richard Dana is his lawyer and he's the only one that's going to get in. I ain't letting every Tom, Dick and Harry make game of this prisoner.

Phillips reported the impasse to Dana. Dana was shocked. — I can't understand why Freeman should say that I am his lawyer. Unless Judge Loring has appointed me. Perhaps we'd better wait until I am formally notified by the court.

— No, Richard. Judge Loring has appointed no one to defend Burns. You appointed yourself yesterday.

— Merely *amicus curiae*.

— That's enough for the Judge, but if you insist we'll get a written request from the prisoner. But how are we going to do it if you, as his lawyer, are the only one to be admitted and you won't be his lawyer

unless someone is admitted to get a note requesting you to become his lawyer?

Dana sat at his desk, smiling slightly. — The Marshal had no right to bar you from the prisoner. I'll write a note to Judge Loring for an order of admission.

MY DEAR JUDGE LORING [he wrote]:

I scarcely feel at liberty to act as counsel for Anthony Burns and feel it would be improper for me to obtrude myself on him for that purpose until the proper persons see him and ascertain his desire in the matter. Such a person has already been refused admission. Kindly oblige with an admission order to the United States Marshal.

Phillips had to take the note over to Cambridge. It was Judge Loring's day to lecture at the Law School. The classroom was crowded. A group of Southern students had heard about the case and they wanted to see him and to test his mettle.

When Phillips stepped into the room the Judge was just bringing his lecture to a close. He made a striking picture with his silvery hair and benign countenance.

— If I had to give the definition of a lawyer, he said, — I should ignore the wide scope of his learning and power under the law and state it in these simple terms. *A lawyer is a human agent for effecting a human purpose by human means.*

He stressed the word *human* with discreet warmth and dismissed the class.

The Judge was annoyed to see Phillips. It was bad enough to have all the turmoil of this controversy brought into the courtroom without its following him across the Charles River to these scholarly haunts. His greeting was cold and Phillips barely acknowledged it.

Phillips laid the letter down in front of him without comment, like a man with a grocery order. The Judge quickly wrote out an answer, a demand upon Freeman: *Admit counsel to the prisoner.*

— *And friends*, Judge Loring, if you please, said Phillips.

The Judge's pen hesitated a moment over this, describing a few futile circles in the air. . . . *And Parker*, thought the Judge . . . *and trouble, and exhortations to fight back and stand up for your rights, and lie to the heavens and deny everything.* . . . He wished now he had appointed Dana first off and let him handle the whole thing; given the man a token defense without involving this crowd at all. But he set the pen to paper and scratched in: *and friends.*

— It *is* a little irregular of Marshal Freeman to bar friends from seeing the prisoner, but I can see his point.

He handed the paper to Phillips and looked up so kindly and with such an air of benediction that it seemed impossible for such a man to commit an unkind act.

— You see, Mr. Phillips, he continued in a low, pleading tone, — I think the case is so clear that you would not be justified in placing any obstruction in the way of the man's going back, as he probably will.

For almost the first time in his life, Wendell Phillips felt like clenching his fist and knocking a man to the floor.

* * * * *

Parker had to chair a meeting of the Vigilance Committee that morning at eleven and that was the time that Phillips was interviewing Judge Loring in Cambridge.

The meeting was to be held in a small inner hall in Tremont Temple. When Parker got there he found Austin Barse, the doorkeeper of the committee, already there. Austin had placed a table across the entrance and had the membership list ready to check all comers and keep the strangers out.

When Parker went to the outer wall to open some windows and freshen the stuffy air, he saw a man standing before a shop window in the small street outside. He thought it looked a great deal like Asa Butman and ducked to one side for further observation.

At the door, Austin was having trouble with the first three people to come in. Their names were not on the lists and they spoke with such heavy foreign accents he could not make out a word they were saying. He asked them to wait a moment and came excitedly over to Parker.

— There's three men out here, Theodore, and I don't find their names on the lists and I can't make out what they're saying.

Parker looked over at the door. — They're all right, he said. — I know them. They're Germans: refugees. They've been here since '48.

Austin scowled. — I think they've got the wrong meeting. They have musical instruments with them.

— Musicians always bring their instruments with them wherever they go. I don't know why but they bring them to church sometimes.

— That's about as sensible as me carrying an anchor around, Austin said.

— It's a good idea at the moment. Look carefully out of this window and tell me if you recognize that man standing in front of the shop over there.

Austin peeked carefully out. — It's Asa Butman.

— Let the musicians in, Austin. Don't quibble. It's a pity we didn't think of it and all of us carry an instrument. When they see the people gathering, they'll think it's a concert or a rehearsal at least.

Austin went back to the door and told them to come in. First he made them sign their names on the list, taking care that it was on a clean sheet so that they could not see any of the other names.

The musicians were rattled at being checked at the door, and when they got in they separated and went instinctively to different parts of the hall, the way cows come into a barn and stick their heads into the right stall, passing empty ones to do it. The cello player took his instrument to the front and sat directly under the speaker's platform. The other two, a French horn and a trombone player, took seats to the rear and to the right as they would if they were sitting for a symphony or a rehearsal.

Parker smiled at this and thought of telling Austin how it proved that they were the real thing. But Austin was busy trying to decipher and memorize their names.

The cello player sat quietly embracing his instrument in its little green coat. Parker went and shook hands with him and exchanged greetings in German. He waved at the other two. Parker then had an idea. — Why don't you play something? he said.

The man nodded and smiled and began to take off the cello's coat. The other two took out their instruments. The three musicians began to tune and warm up their instruments, and Parker went back to the window. It was just as he had thought. The noise of the tuning made the man in the street suddenly turn around. It was Asa Butman and he looked up at the window with confusion.

— Shall we play a nice waltz? asked the cellist.

— Beethoven, answered Parker.

— With three instruments? said the cellist.

— Just to make it seem like a concert or a rehearsal, Parker said.

— There's a man outside I want to scare away. We don't want him dancing in the street.

— We'll scare him, said the trombone player. — The C Minor . . .

He threw back his head, set the mouthpiece to his lips, puffed and puffed until his whole head seemed as red and round as the sun and then let the first big eight notes boom out.

The cello player whirled his instrument around angrily and hit the back sharply with the bow. Then he stood up. — No! No! Otto, he shrieked in German. — I will play the theme on the cello as I should and you

play the string bass part! Now, Franz, he said to the horn player, — don't you come in till your place. Mr. Parker is not stupid. He knows what should be.

He sat down again, tapped the side of the cello twice with the bow, and they began to play. Parker could see full wonderment on Constable Asa's face, which was now frankly turned up to the window.

To increase Asa's confusion, Parker laid his hand beside his mouth and began to shout heavy, resounding phrases in German, taking care that he would be heard but not seen out of the window. — *Die hohen Töne von Instrumenten, wenn ich etwas weit weg bin, höre ich nicht.*

The men played louder. The horn player was attempting to play the fast viola part and he blew himself out and had to stop. — *Ach! brich noch nicht, du mattes Herz! Ohne Gefahr und Kampf ist kein Sieg!* shouted Parker.

Asa had now come to the center of the street and stood on the cobblestones looking up, his ear cupped with one hand and his eyes shaded with the other. Finally he shrugged and, mumbling disgustedly to himself, he ambled off down the street.

By now the hall was half filled, and the men were smiling and laughing at Parker's extraordinary performance. He turned to the musicians and told them to stop playing. They put away their instruments.

— It's an ancient ritual, Parker said to the people, — to scare off the Devil. He was watching us outside in the shape of Constable Butman.

Five minutes later, Austin closed the door and locked it. The hall was full. There were people there who had never appeared before but were on the rolls because of small gifts of money and sympathy, privately expressed. They brought a deceptive air of unity to the meeting.

The gavel fell and Parker began the meeting.

— Although it is a sad occasion that has brought us together, he said, — I rejoice in seeing so many new faces. I note the unusual complement of doctors and lawyers. I hope we also have some men with fists.

This brought a wry laugh. The big trombone player at the back held up a clenched hand as big around as a cabbage. Parker smiled at him.

— I wish to welcome particularly three musicians who have not long ago fled from oppression across the seas to this land of the free. It is sad to observe that in spite of our country's reputation as a refuge, I dare not introduce these men to you by name for fear of reprisals against them. But I will introduce their instruments. Herr Cello, Herr Trombone and Herr French Horn.

— The meeting was really begun by the tuning of these instruments and

by the playing of a short but very effective impromptu concert. It was an overture . . . no, not an overture. It was a great kind of awakening piece in which, according to the description of Miss Margaret Fuller, innumerable spirits seem to demand the crisis of their lives.

A burst of loud handclapping from a single man followed this and someone said, — Hear, hear!

— Thank you, Tom, said Parker, looking over at him. — I think I can risk naming Mr. Higginson. The worst they can do is send him back to Salem, a cold, east-windy damp kind of a place to which his misguided ancestors came in 1629. That is punishment enough, I grant you. Mr. Higginson is one of those Worcester frontiersmen who seem to demand the crisis of their lives every time they come to Boston.

This brought a great guffaw of laughter. Higginson got up and said, — I might say, Mr. Chairman, that when we get back we have to command the crisis of our wives.

The chairman let the laughter eddy itself away. The meeting was right now. The members were relaxed in their chairs and sat with their legs crossed instead of holding them tightly together. They had no embarrassment about resting their arms on the back of the other fellow's chair. They had picked up each other's hats when they had fallen in the belly-heave of common merriment and they had seen each other smile and linked eyes in the fraternity of a joke. . . . They have joined in the sweet, thought Parker; now for the bitter. . . .

— We're here this morning, he said, — to discuss ways and means of giving aid and comfort to a victim of the Fugitive Slave Law. First of all I should like to read to you from this law so that you will be taking whatever steps you decide fully informed of the consequences.

The laughter had all gone now and even the whispering stopped as he tolled off the law: — *To hinder or prevent the arrest, to rescue or attempt to rescue, to harbor or conceal a fugitive, is punishable by a fine of not over a thousand dollars or imprisonment not exceeding six months and by payment to the owner of a thousand dollars for each fugitive so lost.* The chair now opens the subject for discussion.

Austin Barse hurriedly shuffled his papers together and came down the aisle to take the floor as the first speaker. He looked every inch the old sea dog he was. His hair was cut in a pompadour and it came to a point in the center of his crown. He had a grizzled pepper-and-salt beard, not concealing his jutting chin but running under it from ear to ear like a fuzzy helmet strap. He held his papers under his arm, swept back the blue coat with the big brass buttons and hooked a gnarled thumb in the

sleeve-hole of his waistcoat. His bandy legs were spread apart for the roll of the sea.

— You folks here have sunk a lot of good money . . . He stopped. — Excuse me, I mean spent. Sunk ain't a very good choice of word for a sea captain to use. Spent a lot of money in outfitting the sloop *Flirt* to use for the purpose of rescuing fugitives. We've used it four or five times, but it's hardly paid its keep. Oh, we take out a few fishin' parties at fifty cents a head, but they don't amount to enough to pay back the shareholders. Most of them don't expect nothin', I know, but they do expect that the sloop *Flirt* will be used to rescue them as is in need. Mr. Chairman, I brought her up from Hingham Harbor three days ago and she's anchored off Long Wharf. I propose we let the trial go hang and let them ship the man away. We can stop the ship just off Boston Light and take the man off and make a run up the coast with him. We wouldn't need more'n a dozen men to board the *John Taylor* . . . that's the tin pot they've chartered.

Parker groaned inwardly. This wasn't what they wanted. This wasn't it at all. — Captain, he said, — what you propose is piracy. We may, as you say, have to let the trial go hang, but we don't want to let ourselves go hang! I believe that's the penalty for what you recommend.

— And why not piracy? continued Austin belligerently. — Do you realize that Governor Wise of Virginia has a pilot boat off the Virginia Capes, and he has them stop and board every vessel bound for here and search them for fugitives? And charges them ten dollars to boot! I intend to get the other coasting captains to join me and go down and resist the pilot boat and then bring its crew into court as pirates.

— Very well, Captain, said Parker. — I will put it as a motion.

Another man got up, someone Parker didn't know, and said: — We don't know if the man's goin' by boat. They might send him off on a train. Now, if we could get a posse, like, to hide in the woods around Walden Pond . . . and when the train comes, put ties on the track and make 'em stop the train and, while they was stopped, we could snake him off . . .

— What if they don't stop the train? said Parker.

— Why, then I guess she'd just about be wrecked to splinters, the man drawled, spitting quietly on the floor.

— The purpose of this committee isn't to get the man dead or alive, sir. Any other suggestions?

There were no other suggestions of this order but there was a spate of reminiscences of this rescue and that one. Parker's head began to ache. It was an ordeal to preside at a meeting containing the most articulate

people in town. The lawyers began to get up and recommend all be left to Richard Henry Dana. Harvard men thought a strong and appealing letter to Judge Loring would turn the scales. The ministers wanted to leave it up to God. By noon they were nowhere. Not one practical suggestion had come up. Parker had ignored the upraised hands of Dr. Samuel Howe and Dr. Bowditch. It wasn't time for them yet. They were radicals, and he wanted to smoke out the conservatives and wishy-washy members first. Let them have their say, and get their feelings off their chests, so they could not say they had been overlooked or silenced when a clear-cut plan of action came up. . . . He decided to call the thing to a halt for a lunch period and then to begin in the afternoon with a ruthless suppression of all chatter and rhetoric and get something concrete down on the report. — Recess till 1:30, he said.

* * * * *

A sheet of wet paper blown against the left leg of Ben Hallett spelled out his work for the day. It was one of Parker's broadsides and it met him halfway across the Common. He tried to poke it off with the end of his furled umbrella. But it stuck to the tip in an annoying way and when he brought it up to disimpale it, he caught sight of the message. As he walked on he could see hundreds of them, clinging damply and leechlike to the gnarled roots of the elms and flocked and rippling in the gutters flushed with the peltings of an early morning shower.

He had to tell the Marshal, because of the leaflet, that Louis Varelli would have to be brought into the matter, and he impatiently brushed aside mention of his own objection of the day before. The Marshal dispatched Asa Butman to Louis's brothel on Staniford Street, to offer the regular three dollars and found a day; but Butman came back with a refusal. Louis demanded to see Ben himself, and Ben had to give in. They met in a back room of Peter Brigham's saloon, known confusingly as "the Concert Hall," and Louis put it to him straight: jobs in the Custom House for him and his boys. . . .

Of course Ben had to give in and promise it. Where else could he get sixty armed and reckless men? Louis had men with battle and jail experience at his beck and his corporal had served with General Quitman, the Cuban filibusterer.

— Get them as tough as you can, said Ben in parting.

* * * * *

— No, said Dana when Phillips had got back to him with the note from Loring. — It's too incredible. I can't believe Judge Loring would say that.

— He's prejudged the case, said Phillips bitterly.

Dana sat back in his chair and carefully crossed his legs. He tried to smile away the unaccustomed anger from Wendell's face. — It was a casual peacemaking remark. He meant only that it is one of the clearest of cases and a waste of time to expand upon. The claimant has put in his record and the prisoner has admitted that he is the person named. The only argument the Judge has to meet from us is on the constitutionality of the law itself, and it has been already upheld in the higher courts. He would dismiss that line and there's no appeal.

— Still want the case, Richard? Phillips said glumly.

— Of course. You see, they tried to bite off too much and want to prove escape too. That is another matter; there is no clear evidence there, and Brent seems to have made some thoughtless testimony. I think we can refute it.

— Couldn't you ask for a new judge and a new trial on the basis of the statement Loring made to me?

Dana looked at him with disapproval. — I wouldn't use any such statement as that. Loring gave you that as one gentleman to another. In the first place he could deny it, and in the second place it's the sort of thing I don't care to use in a courtroom.

He paused and looked thoughtfully at Phillips again.

— Wendell, I wonder if you'd mind taking the Reverend Mr. Grimes and Deacon Pitts with you when you see the prisoner? He might feel more at home with some of his own kind.

The good nature came back to Phillips's face. He knew what Dana really meant: that if it were left to Parker and himself there might be a plan of escape introduced as well as the question of the trial. — Yes, Richard, he said, rising, — the amenities will be scrupulously observed.

* * * * *

The windows in Tony's prison room had bars over them but they faced toward the Harbor and the fresh east wind blew in through most of the day. At sundown the wind shifted around to the other side and the nights were hot. He stood constantly at one of them during the day, trying to lose his confusion in the clear and uncomprehending sky. His opinion leaned to the side of giving up and going back without a struggle. It was more comfortable to stay inert. The flicker of anger and courage Parker had lit up in him died off in the hot night and even the salty tang of the sea breeze had not raised it again.

The truckmen were restless and felt the confinement more than he did.

At first they had been uniformly jovial. The money was good and the prospect of getting paid for loafing around was new and inviting. But then the time began to drag and they discovered that the appetite can sicken even of free grub and drinks. They began to debate and then to quarrel. They tried hand wrestling and that grew into struggles and fierce bouts ending with two of them rolling in anger on the floor and getting hurt. They played an incessant game of cards and found that provoking. Finally two of them quit and went back to hanging around the Custom House steps for a trucking job. It was precarious but better. They weren't cut out for sitting in a stuffy room keeping watch over a harmless darky down on his luck, no matter how good the money was.

Riley replaced one of them with a friend who had served sentences and knew how to kill time, the other with a man named Batchelder who lived over on Bunker Hill in Charlestown and was highly recommended by one of the editors of the *Boston Post*.

Augerhole Foggarty, the ex-convict, was a police informer now. He was working with the added incentive of a cash bonus if he got a statement from Tony in writing that Colonel Suttle was his master. With this in mind he kept apart from the other guards and tried to build Tony's confidence by not joining in the card games and by drinking secretly in the corner from his own pint.

In the middle of the afternoon he decided to make his try. He sidled up to the window where Tony was, shuffling a dirty pack of cards with pretended awkwardness.

— Care for a game of cards? he asked shyly.

— No, said Tony.

— Just between us, I mean. I don't like to play for money myself but it kills time good.

— No, no, said Tony roughly.

— Now don't get savage against me, said Augerhole. — I'm just tryin' to get money to help my family. Somebody's gotta do it.

— I hold nothin' against you or any other man, said Tony, turning away from him.

— I heard you was a nice kind of a colored man, said Augerhole. — That's why I can't believe you said them things against the Colonel.

— What things?

— That he whipped you every day and that he pushed your hand into the sawmill and broke it. It's going all around town. I half-believe that's why he's so mad at you.

— I never said that about any man. He treated me well enough.

Augerhole was pleased. He decided to risk the request. He stood for a moment very quietly, then moved closer, almost nestling against the other man. Tony felt him exhale against his cheek and turned around.

He saw Augerhole's pale eyes looking up at him with an expression of trust and appeal. They were sad, watery, helpless eyes, and Tony wanted to clap him on the shoulder and say, Cheer up and turn those pools of misery away from me.

Augerhole dropped his gaze in pretended confusion. — I want to help you, son. I'm not like the others. I'd give anything to make you and the Colonel friends again so he won't beat you and feel savage against you when you get back.

Then he clasped his sweaty hands together as if he were praying. — Just give me a little note to the Colonel, why don't you Tony, just saying there ain't no hard feelings? He'll forgive you and he won't listen to the people telling him to sell you far South as a punishment.

Tony was puzzled by his attitude. He seemed to be making a lot out of another man's troubles, but these Northern folks were all hard to understand. He had got many messages from strangers in these last hours. People even shouted at him from the street as he stood at the window. They all seemed to mean well. It seemed easier to go along with all of them instead of picking and choosing. He had nothing to lose.

— You got no money. Them lawyers ain't comin' back, said Augerhole sadly. — Why don't you git square with the Colonel and start fresh?

And holding the mood with his pleading eyes he pulled a piece of paper from his pocket and then fished out a stubby pencil. He laid them on the windowsill and put his hand in a brotherly gesture on Tony's shoulder.

With a shrug of indifference, Tony began to write. — *Dear Colonel*, he muttered, as he formed out the letters.

— Why don't you write *Dear Master*, wheedled Augerhole. — You already called him that last night. It'll make him know you ain't bucking against him no more.

Tony crossed out *Colonel* and added *Master* above it. . . . *I am sorry I made trouble for you. My hand was broke in a sawmill befor I worked for you.*

Augerhole started in alarm, and deftly snatched the note from under Tony's fist. Wendell Phillips, Mr. Grimes and Coffin Pitts were being admitted into the room.

It was quite a sight to see the entrance of Wendell Phillips. First he stepped aside at the door to let Coffin Pitts and Mr. Grimes precede him. He looked around at the guards and nodded pleasantly at them. He

escorted Deacon Pitts and Mr. Grimes over to the window and got them chairs and told them to sit down. He got a chair for Tony and when he reached for his own, the guard Batchelder had it ready for him and placed it politely under him as he sat. He bent forward to address Tony as privately as possible, but the guard walked courteously away and got the others to withdraw to the periphery of the room. Wendell straightened up in his chair and gave a wave of thanks to the retiring group.

Coffin Pitts shook hands limply and sadly with Tony and gave him some cornbread and jam wrapped up in a cloth. Mr. Pitts didn't know what to say, so he was silent. Mr. Grimes could sense hostility coming from Tony toward him. He couldn't explain it, so he too held his peace.

Wendell Phillips began by explaining that he represented a large group of friends of all fugitives and that he was there to arrange for a proper legal defense.

Tony couldn't refuse or hedge with Coffin looking at him so disconsolately so he said, — You may do what you mind to, and let it go at that.

— May I examine your right hand? asked Phillips, gently.

Tony held it out.

— Can you close it properly?

Tony showed him that he had to clench it by pushing it together with the other one.

Phillips smiled. — That hand might seem a great burden to you, Mr. Burns, but in this case it could be the means of your freedom. The warrant is loosely drawn and merely describes your affliction as a scar. It is inadequate, and a legal point for our side. Also the part about your complexion. Mr. Ellis, the man who fought for your postponement, is very dark and so was Daniel Webster. The description could fit either of them fully as well as you. These two points alone weaken the case against you. The only strong thing they have is that you said you wanted to go back. We know that isn't true. Mr. Pitts says so too.

Tony sat in silence for a moment. He was beginning to lose track of what he had said and what he hadn't. His best weapon was not what he said or would say but was a cultivated dourness which he had always used as a kind of resistance. It gave him an appearance of limited and torpid intelligence. It saved him from being hired out to people he didn't like and from being given a hard job, way beyond the scope of his duty as a slave to a master. He decided to drop this mask to Wendell Phillips.

— I never said I wanted to go back. I'm no more afraid of being sold deep South now than I was before. I don't like to go back because of my hand. I can't do rough work. And when I fail I'll be beaten and it ain't

my fault. I got no use for Colonel Suttle. He's all right when he's feeling fine but he's a devil when he's riled up.

He said these things slowly, with deliberation, and when he had finished he shut his mouth. He decided not to say any more but to try this much and see what happened.

Phillips thought this was enough too. He didn't want to know too much about the man, just enough for a defense, enough to allow the committee to fight for him. He handed him a paper that he and Dana had prepared. — Can you read this? he asked.

Tony nodded and read it aloud. Coffin looked proudly around as Tony said all the words plainly: — *Anthony Burns the alleged fugitive stated to us that the statement that he wished or was willing to be returned to slavery is a lie. That he never stated this to any person and that he has given full power under his hand and seal to Wendell Phillips and Richard Dana and has requested them to act as his attorneys and do everything in their power to save him.*

After Tony had signed, Phillips gave the pencil to Coffin Pitts to sign as a witness. Coffin was nervous and embarrassed and fumbled for a pair of old spectacles he had on a shoelace around his neck. Phillips turned his back on him and called Mr. Grimes over to the window. Tony took the paper from Coffin and wrote his name on it and Coffin added his mark. — See how I need you, son, he said.

Phillips and Coffin left then but Mr. Grimes stayed on. He sat in the chair again and looked at Tony. Finally he had to break the silence himself.

— Why are you angry at me, Mr. Burns?

— It was that letter, the letter I wrote home to my pastor to git into your church, that got me caught. If I hadn't writ the letter I wouldn't be here. That's why I lay my trouble down to you. I lay it at the church door for being here.

— The Lord forgive us, said Grimes. — That isn't what brought you into trouble. It was the letter you sent your sister. They've known about you for some months now, and you just wrote the church letter two weeks ago. Mr. Brent opened the letter to your sister in the post office, and read about you being here with Deacon Pitts.

Tony gaped. — But I had it sent from Canada. It was postmarked Canada.

— They open all letters to slaves, son. Don't matter where they come from.

After a moment of reflection Tony smiled at Mr. Grimes. It was his

faith coming back in some small measure. But Mr. Grimes wasn't happy. He now understood Tony's baffling silence and submission. He saw it was an unnecessary submission.

— Mr. Burns, did you write, did they ask you to write anything down while you've been up here?

— Yes, said Tony. — I just wrote a little note to say that Colonel Suttle didn't break my hand and make it useless.

— Who's got it, Mr. Hallett?

— No, that fellow over there. He pointed to Augerhole.

— I must advise you to get it back, said Mr. Grimes for his farewell.

* * * * *

When the meeting of the Vigilance Committee reconvened, Parker laid his gavel down and looked up at the five men standing for the privilege of the floor. — You, sir, he said. — The chair recognizes the gentleman to the left with the Shakespearean beard and the Biblical hair.

— My name is Dr. Howe, said the man. — Dr. Samuel Gridley Howe of East Boston.

— You haven't told the half of it, Sam, said Parker. — Also director and founder and guiding spirit of the Perkins Institute for the Blind, teacher of the deaf and dumb, reclamer of idiots, editor of the *Commonwealth*, veteran of the Greek War for Independence, Chevalier of the French Legion of Honor.

— Don't forget the five months I spent in that Prussian prison.

— Oh no . . . but not as a shoplifter or a train-wrecker, I hasten to add, but for bringing aid and comfort to Polish refugees in Prussia. Doesn't that cover it, Doctor?

— Yes, thank you, Mr. Chairman. I like to have people know where I stand and what I stand for ahead of time so that if they get mixed up with me they'll have no one to blame but themselves.

— Yes, Doctor. I think it's about time we spoke out a little. Proceed with your recommendations.

Parker sat and leaned back to study the faces of the listeners. He knew what the doctor's plan was. It was to assemble a huge mass in the square outside the Courthouse. To jam it tight, swiftly, and just when the fugitive was being brought out to be carried away. Then a small squad would wrest him away from his guards and smuggle him out of the crowd while his captors were held, unharmed but immobilized by the mighty press of the crowd.

It was a good plan, Parker thought, and he hoped that the committee would adopt it. He next recognized Dr. Bowditch, who was going to second the motion.

— Mr. Chairman: My name is Henry Ingersoll Bowditch. I live at Otis Place in Boston, Massachusetts.

— Very well, Henry. Would you like to have me give your degrees or your pedigrees? . . . Mr. Bowditch holds degrees in medicine from Harvard and the Sorbonne in Paris. His father was the great navigator, Nathaniel—

— Mr. Chairman, interrupted Bowditch,—I realize you are making a special point of naming names and so forth, but I would rather skip over my own unimportant one and read a message from a man who is known and loved wherever English is spoken and poetry is read. I have a letter here from the beloved Quaker Bard, John Greenleaf Whittier, which I should like to read with the Chairman's permission.

— Well, Doctor, it's a little difficult to introduce a Quaker into a fight, but you have the floor. Say whatever you like.

— Mr. Chairman, I want to second the proposal that Dr. Howe has made. And I also want to say that we mustn't think of it as just Boston. I mean, we don't have to depend on just Boston people, where some of them are known, and might not want to show themselves in this thing, but people from all over the state will be there. That's why I want to read this letter. We all know what Whittier stands for. He's not violent, or bloody or self-seeking . . . Well, I guess none of us are that . . . But I mean when he wants to fight . . . Well, I guess things are pretty bad. I know I'm not putting this very well, I'm not an orator, but I'll read the letter anyway.

DEAR DR. BOWDITCH:

That man must not be sent out of Boston as a slave. Anything but that. The whole people must be called out. The country must precipitate itself upon the city, an avalanche of freemen. Where are your circulars and expresses? In the name of God, let the people be summoned. Send out the fiery crosses without delay. Tell us what you want and what we can do. Thousands are waiting the word from you. If you want the country to march into Boston, say so at once. If a man is to be sacrificed to Moloch, let the people witness it. Thine truly,

J. G. WHITTIER

Dr. Bowditch laid the letter on the Chairman's desk. — We have also received letters from Mr. Emerson and Mr. Thoreau of Concord and from Mr. Horace Mann.

As he took his seat he heard someone say, — Radicals. All radicals.

Parker tapped the gavel. — Please address the chair if you have something to say. He pointed at the man. — What was your comment, sir?

The man got up, red-faced and embarrassed. — I said that they were all radicals, Mr. Chairman.

— Yes, said Parker. — They are. Any further remarks? If not, I will close the discussion and call for a vote on the proposal.

But then Thomas Wentworth Higginson got up to take the floor and Parker sat down again with an indefinable foreboding. Higginson was much older than he looked. He bubbled about things, talked incessantly of books and flowers and friends. He considered himself a disciple of Parker's. He had a church in Worcester, modeled on Parker's, and a refuge for come-outers and radicals. He was tall and slender with a cameo line and tint to his jaw and cheeks. His hair was worn long and, as he spoke, he dashed it back off his well-shaped cheekbones. He was a man who invariably aroused distrust in others by his complete sincerity. He waved gracefully at the back of the hall.

— Why haven't we had some words from our Negro members? I'd like to hear what Lewis Hayden has to offer.

Lewis Hayden was a stocky, heavy-muscled man. He had been arrested, tried and acquitted by one vote in the Shadrach case, which had given him a strong following among his own people. To look at Lewis was to see above all a smile, rare in a day of tobacco chewers, which revealed the unforgettable symmetry of two rows of white teeth, fresh and apparently imperishable under the worn and wrinkling pulp of his aging face. In almost every smile there is an atavistic hint of baring fangs, but with Lewis the sudden spread of white in the coal-black face was a sunny heart-warming flash in all circumstances. Even when he was sad he smiled as if he asked no one to bear his burden but sent back in thanks the implied goodness of the other's intentions or interest. And so he smiled brightly and shook his head ruefully as he answered Higginson.

— I'm afraid we can't count on my people in numbers just now, sir. This slave bill and the Shadrach case have scattered them pretty wide. Over fifty of my closest friends have lit out for Canada in the last six months. They want me to come but I reckon I'll stand the storm. I won't promise anyone else, but you can call on me for anything you want.

— We'll do nothing of the kind, Lewis, said Parker. — You've been

through the courts already. We won't put you in double jeopardy. Let some of the rest of us carry the load.

— It's my load, Mr. Parker, said Lewis, flashing again.

— No more than anyone else's. Now you keep out of this. If Ben Hallett sees you with any of us it'll be the kiss of death.

The crowd laughed. Lewis kept his feet, looking a little mite puzzled at Parker. But then Parker winked at him and he sat down, reassured.

Higginson bounced to his feet again. He had been laughing and applauding, looking around at Lewis, but now he stood silently for a moment, waiting for the eddy of amusement to die down.

— I suppose it is strange to most of us here to have to lower our voices and conceal our purposes. But in every man there is some untamable gypsy element which will give us sympathy with desperate adventure. All we can ask of fate, as it winds up our drab lives, is an occasion worth bursting the door for, a chance to get beyond this boys' play. Let us not have our lives frittered away in little cares and efforts for the sick, sad and sinful. Let us burst this door tonight, the door of the Boston Courthouse, and set ourselves free, as we liberate the man, from our petty bondage to law and order.

He stopped and looked around. Faces were a bit glum. He went on, shaking his hair back between sentences with confident, well-born assurance.

— I know there are many law-and-order men here. They threw cold water on our plan to rescue Sims three years ago. But we are wiser today and can do better. Let the deed be quickly done, tonight, under the friendly cover of darkness. And if there are not enough Boston men to do it, the train from Worcester will bring two hundred men.

For the first time, there was hearty applause. He didn't know it but it wasn't support but surrender to Worcester. These men would applaud them to the limit, that was the safest way to support them.

— Good, said Higginson, sure of victory now. — We are moving at last. I know there is danger in this enterprise but there is no other way. Cast off the drag lines of civilization and taste again the honest zest of savage life! The man caught down the bay in a sudden squall with the wind and tide against him feels again the old exultation of our Viking forefathers as they balanced their lives on their oars. All the rest of existence I would give for one such hour!

There was more applause as he sat down. Parker thought they were applauding the speaker rather than the speech. He saw a well-dressed, prosperous, sharp-looking man getting up.

— Mr. Chairman, said the man. — My name is John J. Botume, Junior. That's spelled with a U. I'm a merchant and I expect most everybody here has been into my store once or twice. I've been a member of this committee since it started and I don't give a damn who knows it.

He stood in thought for a moment, then got out of the aisle in which he was sitting and came to the front of the floor to look the rest square in the eye.

— I've never been to one of these meetings before but I must say my impressions are favorable. Everybody's had a fair chance to speak their mind and I'm going to speak mine. You may not like it but I'm going to lay the cash on the barrelhead, so to speak.

The people began to hitch toward the edge of their chairs. It was a critical point, the critical point of the day. Mr. John Botume realized it himself and he let the folks get set for his deliberations.

— Don't charge that Courthouse! I went scouting around there this noontime, and I seen Louis Varelli's gang take over up there. We've had a young man speak here a while ago. He's an educated, well-read young man and I believe I can say he's a fine young man, but people like us don't charge a granite courthouse because of the gypsies in our hearts. The only gypsies I ever knew stole my entire set of winter drawers off my clothesline last fall and I don't want no part of them. I think we'd better wind up this meeting and go home. Perhaps we can take the fugitive after he leaves town, at the Worcester station or even in New York. You'll never get him out of the Courthouse.

The applause was great as he sat down. Parker observed without surprise that the same ones that had clapped for Higginson had honored Mr. Botume. The meeting was a failure, he could see that now. It might have been due to his conduct as a chairman. He should have rigged the meeting before it began, made sure the right people would say the right things. He could see the group letting down before his eyes. They had arrived in grim, self-conscious determination. They had made friendly contact with one another and felt no longer alone in their indignation. They had recited their petty triumphs. They had offered up their doubts and reservations. He had thought the noon recess would purge them, that they would come back clean sheets on which to inscribe a plan of action. What happened? Ben Hallett had checked him by moving the thugs into the Courthouse. That must have been it. He saw Dr. Howe get up. If the doctor would now calmly and coolly re-state his plan of rescue outside the Courthouse, in the open square, it might go. Dr. Howe must be unemotional, must steer carefully between the overpositive and

the negative proposals on the floor. Higginson had pulled the thing too much to one side and then the merchant, with a great heave, had got it off base entirely. — Be careful, Sam, he murmured, as he recognized him.

Sam got up and ran his fingers through his great stand of hair. He pulled at his knight's beard with shaking fingers. He was overaroused. He overspoke.

— Good God, shouted Howe, — let's not go away and leave things like this! Let's say No, No, the man shall not go out of Boston, even if we only get a band of fifty to lie down in the streets and say the man shall not go out into slavery unless they drag him over our bodies. I will pledge myself as one. How many others will join me?

He brought up his hand with a jerk. Parker lifted his. Tom Higginson, Austin Bearse, Dr. Bowditch and Lewis Hayden were the only others. Dr. Howe sat down slowly, looking around from right to left, wondering why the meeting had shrunk to such a little measure.

— If there are no further remarks, Parker said, — I should like to sum up. And after my summary, I am going to call for an action committee, and all who wish to take action, remain. The rest are dismissed.

Mr. Botume got to his feet and started for the door. No one came after him. He paused there and then slipped into an empty seat as Parker continued:

— I was surprised to find so much bickering and empty chatter in this meeting. I had assumed that we were as one on this question. I will be charitable, however, and judge that it is the method and not the purpose of the plan that is causing this lack of cohesion. It is true we should have met more often. It is three years now since we have come together on this cause and we are unprepared. But I think we should now exclude from this committee everyone who does not consider it his natural duty to rescue every fugitive from the hands of the Marshal who essays to return him to bondage . . . peaceably if they can, forcibly if they must.

Some lawyer got up. He didn't give his name. He considered himself somewhat of a parliamentarian. — Point of order, Mr. Chairman. I don't think the chair has any right to read people out of this committee without a vote of the whole. As a lawyer, I think I can help these unfortunates without breaking the law. As I am committed by my profession to observe the law and be a public example thereto, I consider the chairman owes it to his profession to discourage violence. What if someone is killed by this? How can you maintain your conscience if you break God's commandment?

As he sat down, the meeting shifted nervously in their seats, pitying

him. They looked slyly at Parker, waiting for him to redden in the face and lash out. But Parker was calm and his voice was deep and serene.

— The Constitution is wrong, sir, about this law, and it must be changed. If such things are sanctioned by the Bible, then it is wrong too and I reject it. I am not a man who loves violence or gypsies. I respect the sacredness of human life. But I swear I will break this law whenever I see it enforced. I have made no secret of this oath. I have shouted it from the housetops. I will resist the kidnaper as gently as I know how, but with such strength as I can command. I will ring bells and alarm the town. I will serve as hand, head or foot, or lay my body down in the street with any gathering of earnest men who will go with me. I will do it as readily as I would lift a man out of the water or pluck him from the teeth of a wolf. What is professional reputation, fines or jails to the liberty of a man? My money perish with me if it stands between me and the eternal law of God. There are enough men in this room to secure the freedom of every slave in Boston without rending a garment or breaking a limb. When are we going to show Slavery that we are in earnest?

There was no telling what might have happened after this. It was a deep challenge and deeply felt but just after the words had got down and began to burn in the bellies of the listeners, the janitor of the hall began to hammer on the door. When Austin opened it, he said, — Colonel Suttle is coming up the street. Why don't you fellows go after him?

John Botume pushed the door open and went out. This started a run and others went. To point a finger of scorn at the slave catchers, they told Austin as they trampled past. It was a release for them and an easy resolution of the whole problem to stand then on the hot bricks of the sidewalk and look the Colonel right in the eye as he and William Brent walked gingerly up to the Common to observe the eclipse of the sun ordained for the day.

It was at this time that Phillips got to the meeting. He found less than twenty discouraged men there. — What happened? he said, when he came in the door. — Where is everybody?

— The janitor said them out of the committee, answered Higginson. His pun went unappreciated.

Parker got down from the little platform and began to move the empty chairs into a circle.

— What are you doing? asked Phillips. — Is it all over?

— Just scaling the committee down to size, said Parker wearily, — and the chairman along with it. Let's all sit here. There's no call to keep up with the parliamentarians any more.

The people remaining sat in a circle around Parker. The musicians were still there. They had brought their lunches and had practiced during the recess.

— How are you coming with Dana? Parker asked Phillips quietly.

— Slowly. He insisted I bring him a power of attorney from Burns.

— Got it? asked Parker. Phillips showed him the folded paper.

— Good, stay on his tail, from the looks of this he's our only hope.

Parker looked around at the shrunken committee.

— I won't keep you people much longer. Our day has been a failure, I'm afraid. Perhaps we tried to move too fast, I don't know, but we have nothing to fall back on now but the meeting tonight and Richard Dana's legal skill. It's too bad this happened. I thought for a while there we had some unity, some force.

— If I could have got my Worcester men to come this morning, things would have worked out, said Higginson. — But we hired a special train and our plans were made.

— I don't think we can depend on the Worcester men, said Phillips, — or anyone outside of a few people on this committee. I think an action committee of six is big enough to handle this whole thing.

— All right, said Parker. — I'll appoint you, Wendell, Captain Bearse, Dr. Howe, myself, Dr. Bowditch . . . He paused. — And Tom Higginson. Doctor, I suggest you draw up some resolutions for the meeting tonight. One in particular should embody that plan of yours that we meet in the square in the morning and jam the man out of their hands. We'll work out the details later. Just a word or two . . . When this meeting adjourns, it adjourns to meet in Court Square tomorrow morning . . . *et cetera, et cetera.*

— Let's go tonight, after the meeting, said Tom impatiently, — and get it over with.

— No, Phillips said. — I'm against fighting in the dark. Let the people see the man brought out in the sun. Let them see the evil in the sun. If you're afraid of the city police, I don't think they'll raise a finger.

Tom got up angrily and walked away from the group. He was obsessed with a plan to attack that night. He couldn't keep quiet until the next day. He had made up his mind and he had two hundred men from Worcester coming. It would be simple to send the people from the meeting to the Courthouse. If the speakers were any good, they would drive them then.

Parker stood up looking over at Tom. — Now let's not have any more bickering. Let's not lose our heads. I'll go along with any plan that's of-

ferred, I'll step aside as chairman, but I insist on agreement amongst ourselves. Tell me what you want, Tom, don't sulk. You can have anything within reason.

Higginson walked back to the group. — I want another man added to the action committee. His name is Martin Stowell and he rescued a slave in Syracuse. Maybe we can find someone who knows what to do.

— Of course, anyone that can help. Anyone that can lead. But let's keep our heads, for God's sake. And now, the Committee of the Whole stands adjourned.

* * * * *

When Tony took up again his familiar place at the window, he was mystified by the sudden loss of light from the sky. There were no clouds but the darkness was saturating, like drops of ink in a pail of clear water, the clear dome above him. He tried to draw on the new comfort of knowing that his church had not betrayed him. But the taut wings of his spirit could not fly into exuberance. There was a weight there, the task Mr. Grimes had put on him as he left. The weight of the note.

He had really been lifted, not into peace of mind but to a perplexing level of resistance. He did not want to stay there. He looked around at Augerhole: Augerhole, with his triple-fleshed face of red skin, yellow scabs and jellied sweat, his thin shoulders and legs and his slack, protuberant belly; the vortex and delta of all his dreams and appetites . . . Now he knew Augerhole was evil and frightening, there in the waning light. Evil were his fold-rimmed eyes, dark slits of secrecy; and his face was a pus-stained banner of endless, deliberate corruption.

Get back the note, Mr. Grimes had said. *Get back the note* . . . Tony turned away with a shudder, putting off the encounter, hoping the compulsion to act against evil would wear off with the light in the sky.

But soon Augerhole was at his elbow. Tony smelled him and swung around. Augerhole spoke in an angry whisper. — Did yez tell them about the note?

— I want it back, blurted Tony. — I want the note back.

His voice, ringing with innocent fear, filled the room and the card-players paused and looked over at him. This is a bad thing, Tony thought instantly, I should have tricked him, said I want it back to change it or add to it. Now I have put him on his guard. I had better drop this attempt and try later.

So it had put Augerhole on his guard, but not against Tony. He was more fearful of the other men in the room learning about the note and

demanding a share of the bribe. He stepped close to Tony, pulled out the paper and held it up to him. — Be quiet, he said. — They'll make trouble over there if they know I'm trying to help you.

He let Tony finger the bait while he sought for words of appeasement. The cardplayers began to lose interest. Tony had the note by the corner. Augerhole began to speak swiftly in a hoarse and sugary whisper. — I'll do you no harm with the Colonel in any case. He's willing to forgive and forget. He's going to buy you a new suit for this.

— It's not signed with my name yet, Tony whispered, to excuse his blunt demand. Augerhole reluctantly let go of his corner, at the same time holding Tony's arm tightly and putting all his weight against him. Tony looked down and saw his eyes, as he now remembered, were not deep slits of powerful evil but pale, watery and cowardly. Their pupils were rolled desperately to the corners, watching in fear for the approach of one of the other guards.

At this instant of revelation; of his antagonist's fear and of the power of his bold demand to shatter secrecy, the armor of evil, Tony made a strong lunge away from Augerhole's clasp hand and body press. He began to tear the note. Suddenly it was dark as pitch. Augerhole stooped and pulled something from his boot. Tony pushed him away in panic. Augerhole held his weapon no higher than his hip. It did not glitter like a knife. It was an old round file sharpened to a pin point. But before he could close in again, one of the guards hit his shoulder and spun him around.

— Lay off, Batchelder, growled Augerhole.

— Leave the darky alone, said Batchelder. — He's got enough trouble.

Augerhole lurched toward Tony. Batchelder hit him hard. He was off balance and he fell heavily to the floor, landing on his rump with a head-snapping thud. The cardplayers guffawed. Augerhole slid his weapon back into his boot. — You shouldn't have done that, he said, wiping his sweaty hands on his haunches. — You shouldn't have hit me in front of the nigger. You had no call to hit me in front of the nigger.

Batchelder laughed, reached out his hand and hauled Augerhole to his feet. Tony tore up the note and suddenly the light grew in the sky and made flecks of brightness out of the scraps as they floated to the earth below.

* * * * *

It was reported to Ben Hallett that a large group of men had come out of Tremont Temple and hissed at Colonel Suttle on his way to observe the

eclipse of the sun on the Common. Ben took this as good news, in a way, and went at once with Marshal Watson Freeman to the Mayor's office.

The Mayor, Jerome V. C. Smith, was a doctor. He said he was going to carry out his office with the impersonal precision of a surgeon. His office was uncluttered with the usual pictures and trophies of the professional politico. On his immaculately kept desk stood his round black bag, filled with herbs, purges and unguents.

The Mayor had a continual worried look in his eye caused by the opposing pull of his two professions. He had left many a municipal crisis to deliver a baby, and was kindly regarded for his forgetfulness toward due bills around election time. His double life had stamped itself upon his features. His eye sockets were perfect triangles and his thin black eyebrows rose in a straight oblique line from his cheekbones to meet over his nose. This gave him a sad-dog look. The right eye looked soft and concerned, as a doctor's should. But the sadness of the left eye was corrupted by a drooping, politician's lid, suggesting covert scheming and suspiciousness. He had straggling chin whiskers and his lower lip was pressed hard against his protruding teeth, making a repetition of the same angle as his eyebrows in the shadow above his shriveled chin. His hair was mainly contained in one Napoleonic bang.

He hated professional politicians and showed it when Ben came into his office. He got up at once, not offering Ben a chair, and said: — I know what you're after, Ben Hallett, and I want to tell you right now that you're wasting your time.

— Pray don't excite yourself, Mr. Mayor, said Ben smoothly. — We've come to beg no favors of you, sir. The United States government is capable of carrying out its own tasks.

— I'm against what you're doing, Ben. I don't like the idea of that man kept in a city courthouse. When are you going to get him out of there?

— That depends on you, Mr. Mayor. The Marshal and I have completed our part of the job. Now it's up to you.

— What's up to me?

— Keeping the peace, Mayor Smith.

— That's a fine one from you two. We were peaceful enough up to last night.

— Just a minute, Mayor Smith, said Ben. — I haven't asked you as a United States Officer for a single man. They're all bought and paid for. But I'm a citizen of Boston and I demand that you keep the streets free of mobs and rioters.

— I didn't see any mobs about.

— You didn't see this, either. Ben passed him Parker's broadside.

— I know all about it. I was thinking of appearing there myself. And I might yet if you don't stop pestering me.

— They wouldn't have you there, Dr. Smith. If your name were Howe or Bowditch and you had a police record, you might be welcome, but a pill-rolling vote-catcher is of no use to them.

— I warn you, Ben. I'll denounce you from the platform if you keep this up.

Ben turned to the Marshal with a sneer. — I can see he's aspiring for a place among the small wits of the infidel army.

Marshal Freeman laughed dutifully.

Ben turned back to the Mayor. — Too bad, Dr. Smith. I don't think you'll be allowed to start your apprenticeship tonight. General Parker will be there and I'll wager you ten to one that at least three of them will commit treason in thought, word and deed.

— Treason, said the Mayor, gulping down a bubble of fear.

— If you don't believe me, send a man over to take down what they say. They've had a thousand men meeting in Tremont Temple all day long. There's a loft on State Street stocked with enough food and arms to supply a regiment. Take a little free legal advice and stay away from that hall. And I repeat, as a citizen I call on you to use the police force of this city to keep the peace and the streets free of riots. And if they can't handle it, we have some other plans that may cause you even more concern. Good afternoon, Mr. Mayor.

The Mayor sat in frightened silence a long while and then he called Chief Taylor to the office and told him to cover the meeting and take down all that was said.

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Wendell Phillips, still resolutely following his theme in the driving counterpoint of the day, finally laid the power of attorney before Richard Dana and asked him again to take the case.

Dana, as if nothing had gone on before, said he was very happy to do so. — Our first step, he said, is to apply to Judge Sprague for a writ on Marshal Freeman of *de homine replegiando*.

Coffin Pitts, who had dogged along with Phillips since the middle of the afternoon, said plaintively that he thought Loring was the Judge.

Phillips explained to him that a writ of replevin was a legal device to provide the opening wedge for a lot of shenanigans to delay the case and the Commissioner's decision.

— I can't see the good of it, said Coffin sadly. — I thought the first thing was to see Tony and find out how he can help defend himself.

Phillips was himself in agreement with that. He turned to Dana and said, — Do you think an appeal for a replevin will do any good? I know you're a good sea lawyer, but I don't think we have time for that sort of approach.

— I'm not a sea lawyer in the terms you imply, Wendell, said Dana tartly. — And there are some things that must be understood at the start of this affair. Some people seem to think that I am a bit of a rough because I spent two rather well-advertised years before the mast. There might be a little of that behind the decision of your committee to engage me. Let me assure you that I have not the least desire to take this on because of any spirit of adventure or excitement. I am acting, like yourself, because I am of the stock of the old Northern gentry and feel to my very bones a particular dislike to any subserviency on the part of our people to the slaveholding oligarchy. I am not an Abolitionist. I am a constitutionalist, in favor of adhering honestly to all the compromises of that instrument. If the South could come to court with clean hands and present a case consistent with law, decency and our own Northern self-respect, I would be willing to send back a bona fide fugitive.

— I thought you were a Free-soiler at least, Richard, said Phillips apologetically.

— I am, and my business has suffered greatly because of it. He smiled and said more lightly, — Where an Abolitionist is looked upon as a common enemy of mankind, a Free-soiler is judged a little less harshly as a weak and illogical kind of Abolitionist.

— I'm sorry you took my remark amiss, Richard.

— It's just as well. I like to declare myself. I'm a conservative, make no mistake on that. The spindle and the day books are against us just now for Free-soilism goes to the wrong side of the ledger. The blood, the letters and the plow are our chief reliance. And the law; you may sneer at it, Wendell, but we still have the law.

— I assure you, Richard, I have no intention of sneering. I know what you've sacrificed. You're our best lawyer, our best friend. We'd rather have you on our side than Choate. Why ever did you think . . . ?

Dana smiled and held up his hand. — I have inflicted a pretty heavy penalty upon you for a word, and without a jury, too.

— Save it for Judge Loring, I beg of you.

— And now if you gentlemen will excuse me for a moment, said Dana, — I will get my things together and we will see Judge Sprague at once. I

have an idea where he is dining tonight and we might catch him at his first glass of wine.

Dana began rummaging around in an enormous closet for some papers. Pitts said to Phillips in a discouraged monotone, — It don't look to me like he's got his heart in this job.

— He's got his brain, Mr. Pitts, and it's the best around for this work, said Phillips softly.

* * * * *

The Worcester train flung itself headlong into the station just after six. It was a so-called "accommodation train," cut-rate and out-of-schedule, and it wasted no time on the amenities. The brakes came on with a shriek, the three cars slugged against each other and the cone-shaped stack gushed jets of smoke to cloud out the blackened rafters.

Higginson, who had been waiting nearly an hour in a vertigo of impatience, stood close to the huge wheels. His hungry ears soaked up the hard bright tempo of the clanging bell. He got as close as he could to the engine, almost nuzzling its hot, sweaty flanks which were trembling with brute force.

The station was a big, rough shed with a false façade of two granite towers winged by flying buttresses, and topped with jag-toothed battlements. It was a cool, dark, airy place, where pigeons flew happier than under the sun when the train was not there; but when the iron bull roared in, they wheeled and swooped in panic, out through the weathered frames of windows without glass and the slabs of the sides, and the roof of the shed vibrated with the thunder in its bosom.

The Worcester men swung and dropped from the cars, not setting careful foot off like travelers. Tom got closer to the hot breath of the engine. He didn't want a demonstration of any kind there in the station. He wanted them to go straight to the rendezvous chosen. He wanted to see Martin Stowell first, and alone.

He tried to count them as they walked by in excited clumps. There were three cars. That meant one hundred and fifty at the most. He didn't see Martin in the rush of the impetuous or even now with the sedately treading older men. When they stopped passing and a gap came on the platform, he wondered if he had missed him in the throng. By now, the taste of fire and brimstone was heavy on his tongue. Some valve in the interior of the machine opened suddenly and let out a great gush of steam. He stepped back. It was like a wet, hot rag over his open eyes. When it lifted,

Martin Stowell was standing there in his black suit and his black stock with the white tips of his high collar standing up to his ears.

Martin Stowell was a small, frail man and he looked it more than ever against the bulk of the engine. He took off his big hat and began to arrange the black strands of side hair that the heat had caused to curl away from his bare, white skull. He felt his crown carefully, patting the hair over the skin. Another valve shot off a stream of air, and Martin headed his scalp into the wind like a yachtsman, chary of every breeze.

Higginson looked down with relief and respect at the bulging brow of marble white. To a man of his height, Martin was a tapering top, broad in the brain with foreshortened legs. He put his hand affectionately on Stowell's narrow shoulders.

— You should have come this morning, Martin, said Tom. — The meeting of the committee was a fiasco. We arrived at no plan of action whatsoever. . . . We couldn't even unite in a common purpose. The majority solved it by going out and pointing the finger of scorn at the slave catcher as he chanced to walk by the hall.

— I'm very much pressed for time, said Stowell sadly, in his neat and precise bookkeeper's voice. — The Temperance League has prepared forty or fifty cases for the Grand Jury on rum selling and some house of ill fame. I should be back in Worcester now, and tomorrow at the very latest, to make plans for housing the witnesses. They'll have to pay their own board, I'm afraid.

— Bother the rum sellers, Martin. That can wait. We've got to rescue this man.

— But that's my job, said Stowell, — and it has cost the League a great deal of time and money to prepare these cases. However, we might be able to do something tonight, and I can get back to Worcester in time to meet the Reverend Mr. Bosworth.

The train bell was ringing loudly, and Higginson thought he didn't quite catch what Martin had said so calmly. He waited for a moment timed between clangs. — What can we do tonight?

— Why, get the man out of the Courthouse. Isn't that what we're here for?

The engine gave a thunderous, derisive-sounding snort from the stack and then another and then another, and Tom could see the small wheels in front start to move. He began to walk along with it, carried along with its motion. He picked up his pace as the big wheels rolled and he, Martin, and the engine came into the bright sunlight together. The train turned

off to the turntable and Higginson lengthened his stride with elation. Martin had to take two steps to his one, but it was refreshing to both to walk fast and shake off the noise and stink of the station.

— Let's walk through the Common, Tom said. — It's funny you should mention attacking the Courthouse tonight. I suggested it to the committee, and they turned it down. They seem to think the best plan is to get him tomorrow morning when he's brought out for the rendition.

— I don't like to wait until tomorrow, Mr. Higginson. Why can't we rush the Courthouse tonight? It would be much better under the cover of darkness.

— That was my exact plan, said Tom excitedly, — and it would have been carried if you had been there to back me up. We should use the force built up at that meeting, right after it, before it is dissipated.

— Not after the meeting. After the meeting, everyone at the Courthouse would be expecting an attack. It should be done during the meeting. Not in cold blood, but when the crowd is raised to a pitch. Then they could be sent running to the Courthouse and swarm in.

— Excellent, said Higginson. — You're the commander we've been waiting for. What about the doors? Suppose they're closed?

— Well, they're only wooden doors, aren't they? We can batter them down with a beam or a piece of eight-by-eight, and some axes. Surprise is a powerful weapon. I think we could take them by surprise. But you must have the meeting under control, and send them on time.

— We'll have Phillips make the speech and at the end ask them to adjourn to the Courthouse.

— We'll have some agreed signal. Someone planted in the audience will give the signal, so he'll know when to make the motion.

— I know just the man. There's a young lawyer by the name of John Swift here. He has a voice like a bull. I'm sure he'll do it. Oh, I can see a great light on everything. The crowd will come pouring out at the signal and run up to the Courthouse.

— We've got to work fast. We'll need someone to go to the Courthouse before the rest, in case the doors are shut, and get a battering ram and the axes. Can we get about twenty men to make the breach?

— You and I can get five apiece from Worcester, surely. Lewis Hayden can get five Negroes and Bearse, five seamen. I'm supposed to be on the platform tonight but I'd much rather do this.

At Brimstone Corner, Higginson bumped into a man who had been at the meeting in the afternoon. He told them that the Courthouse was to be open that night because of a hung jury on a Superior Court case.

— Now we won't need the axes, he said to Stowell, as they resumed their walk.

— Get them anyway. We can't be sure the jury won't come in before the time for the attack.

— Well, we can use this point to override the objections of the committee, anyhow.

— You'd better straighten it out with them, Stowell said. — We can't do this alone.

— I will, promised Higginson. — I'll see them on the way into the hall in one of the anterooms. I'm sure I can convince them. How can they refuse? The plan is perfect.

They went into a hardware store. The clerk said there were no axes in stock, so they bought a case of cleavers and had them put into a cab. Higginson told the man he was from the western part of the state and that his name was Higgins. Stowell did not even blink at the lie. They sent the cab to the office of Dr. Channing on State Street. Later, they got a ten-foot length of eight-by-eight and hid it across the street from the west door of the Courthouse.

They joined the Worcester men at the rallying point and explained the plan to them. Fifteen agreed to join in the attack. Higginson left all details in Stowell's hands and went to Faneuil Hall.

* * * * *

Higginson counted the steps from the Courthouse to Faneuil Hall, stabbing the ground with his umbrella as he walked. It was a good thing to know. Parker would ask him that when the new plan was put. It was further than it looked, because the door faced toward the Harbor and away from Court Square. He cheated a little, his legs were longer than most, and as he neared the end of the trail pace he quickened his stride in his excitement and continued at a dogtrot up the stairs to the Hall, over the market stalls. He stepped inside. He knew he should stay there awhile and calmly weigh his plan all over again, but the place looked small as all public places do when there are no people there and it depressed him. Could this contain the plan, he wondered? The white walls were chaste and the broad-arched windows under the columnaded gallery had a cold, aristocratic look, as if they looked out on some duke's park or a squire's greensward. The room was cold and chilling. It was a sterile mausoleum, freshly and slickly enameled like an elegant chowderhouse at a fashionable resort. He drew back upon the landing, waiting for the fish he had to fry.

A great many people went in before Dr. Howe arrived. He listened carefully to the new plan.

— But we have a resolution to offer tonight which calls for a meeting in Courthouse Square tomorrow morning.

— Couldn't we drop it? pleaded Higginson. — Those resolutions were just tentative. We didn't know what we were going to do this afternoon. We had no real plan.

The doctor paused, doubtfully. He looked into the hall. Already the rostrum had been taken over by Father Lamson, a windy eccentric with a long beard and a dirty white robe. And Abby Folsom, the celebrated flea of conventions, was hopping up and down on the floor in front of him with her interminable bleat of—It's the capitalists, the capitalists . . .

— Well, said the doctor, — I don't think it would be wise to mention the attack tonight in the resolutions.

— No, no, Doctor. It's to be a complete surprise. Its strength lies in that, don't you see?

— We're probably the ones who will get the surprise, said the doctor. — But if the others agree I'll join with it.

He hurried into the hall and up onto the stage. He wasted no time in ejecting the barefoot Father, who backed, still speaking, down to the floor where he was greeted with cheers and the doctor was soundly booed.

Captain Bearse was the next one up the steps and he loudly rejected the plan as the ravings of a madman. — At sea, at sea, he bellowed as he strode into the hall.

Then Higginson heard the deep bray of John Swift's baritone coming up. — Yes, yes, said Swift, without a moment's hesitation. — I'm sure it will work. The Courthouse is definitely going to be open tonight. We can be in one door and out the other before they can say Jack Robinson. Unless the jury up there comes in with a verdict . . . but it's a homicide case and they're still far apart on it.

— We'll plan the attack then, as soon as it's dark.

— As soon as it's dark, said Swift in calm confirmation, as if the night came at a clock-tick, like a curtain down over a window.

— And you'll stay by the door in case anything goes wrong? said Higginson.

— All right. Good luck, said Swift, feigning a calm and soldierly presence, although his heart was beating so wildly and his excitement ran so high that after he had stood awhile by the door he forgot the special reason he had to remain there and went up into the gallery where he could be heard better when calling out the signal.

Dr. Bowditch came in and said he'd go along with whatever Parker wanted. And now there were only two men left to sound out. Higginson devoutly wished that Phillips would come up the stairs first. He was sure he could handle him and that he wouldn't ask a lot of questions as Parker always did. The people were coming now in a stream. It was odd how you couldn't reckon on the public. The reaction of the committee hadn't counted on this great turning-out. Tom felt proud when the Worcester men came puffing up the stairs.

— Sway the crowd, he told them. Mill around, and when the alarm comes shout To the Courthouse, to the Courthouse! as loudly as you can and don't let anyone put you down.

— Looks like the old cradle is going to rock tonight, said one of them, as he stepped his dedicated way into the hall.

Parker came alone. Phillips was still over at the lawyers' building talking to Richard Dana. He had been walking for a spell down by the wharves. It was an open-and-shut day and the air was moist. His chest had hurt some and seemed tender to his breath. He thought it was from the dusty air in Tremont Temple all morning and afternoon. This happened a lot, this soreness, but he didn't think it was pulmonic because dampness was bad for that and made it worse. This trouble he had liked the dampness, and was soothed by it. Still, he had to lean heavily on the railing before he got to the top. He wished he had gone home for his supper and got the strength of hot food in him, but the sight of Tom standing there with that look on his face made him glad he hadn't and made his headache come back.

— Well, Tom, he said wearily.

— Martin Stowell, the man I told you about, suggested that we attack the Courthouse tonight.

— Impossible. We haven't got the forces.

— Look inside, said Tom. — It's jammed to the roof. We have two hundred men from Worcester alone.

Parker took a step to study the crowd. Tom caught him by the arm.

— There isn't time to count them, Mr. Parker. I've got to get back to Court Square right away. At the height of this meeting, we'll have the element of surprise in our favor.

— You've surprised me already, Tom.

— I know, sir. But I think we ought to forget all about this committee business for once. All we have proved this morning and this afternoon is that nobody among us can take an order and carry it out. I've placed myself under Martin Stowell and I'm going ahead with it.

— Going ahead with what?

— The attack. We've got a man at the meeting who's going to announce, as soon as it gets dark, that a mob of Negroes are attacking the Courthouse. Then everyone here will run to the Courthouse. It's simple, like all great plans. Howe likes it . . . I've just talked to him . . . and so does Bowditch.

— Run up to the Courthouse? From here? Parker slightly underlined *run* with a verbal edge. — That would be some chore for me right now.

— It's only four hundred and ninety strides, any able-bodied man can make it if you light enough of a fire under his heels.

— Who's going to light the fire . . . Phillips?

— We can't find him. You'll have to do it. It's very simple: You start your speech just as it starts to get dark. Then when it's pitch-black the signal will come. You put a strong motion to adjourn the meeting to the Courthouse. We'll do the rest.

Parker tried to assess the plan. It was almost too simple to weigh. Speech, interruption, motion . . . There was nothing there to quibble about.

— You see the others . . . he began somewhat lamely.

— Yes, yes, said Tom. — They know, and Phillips will be told. I'll see to that. What's the alternative? Tom went on. — Shall we postpone the meeting and go through the whole thing again? Shall we wait until the Courthouse is filled with troops, as it will be when they hear of the crowd this affair has drawn? Shall we send my men back to Worcester with nothing but a good dose of oratory under their belts? That isn't what they hired a train for. I know the committee decided on something quite different and you may think it wrong to depart from their decision, but there's no time to argue, I must have your answer.

— Don't push me Tom, said Parker, somewhat nettled. — I'm fully aware of the difference between strategy and tactics. The doubt arises from your oratory which is quite a strong dose in itself. As one preacher to another, I'd like it better if you convinced me in cold blood.

— Cold blood? How can I manage that at a time like this?

— This is the best time to manage it, I assure you.

Tom felt obliged to turn away from Parker. He took one or two deep breaths, fiddled with his collar and then turned with his hands outstretched, palms up, hoping Parker would not notice his trembling thumbs.

— As one preacher to another, he said slowly, — in terms of purest transcendentalism, and repeating the lesson I learned at your knee, I will leave the matter up to your conscience. You say it is infallible and

will always decide rightly if the case is fairly put before it. . . . Will you make the speech? Will you send the mob?

In the pause that followed, the sound in silence, Tom knew that Parker was hoist with his own petard and heard the yes, yes before it was spoken.

* * * * *

The committee had sought for a man not regarded as a hothead or a partisan to chair the meeting. Thomas Russell, a former mayor of Roxbury and a judge in the Police Court, filled the bill nicely. He opened the affair with proper dignity directly after Parker took his seat beside Robert Morris on the platform. On Parker's right sat a member of the Governor's Council, Albert Browne of Salem. Phillips's seat was still empty after Russell had got beyond his opening remarks.

— Once I thought a fugitive could never be taken from Boston. I was mistaken. The slave catcher boasts he will take his man in the shadow of Bunker Hill. We have made compromises until we find that compromise is concession and concession is degradation. When we get Cuba and Mexico as slave states and the . . . foreign slave trade is re-established . . .

Here Phillips slipped quietly into his chair. He looked over at Parker and nodded affirmatively as Parker rolled his eyes at the huge crowd. The great clock, given by the schoolchildren of Boston, now held Parker's gaze until the long black hands seemed to stick in one spot and he looked away. He felt like a schoolboy, unprepared and anxious about his lesson, hoping he would be called on last or not at all. He saw in the crowd many members of his own congregation. Would they make a mob? A mob to him had been a gang of iron-brained bigots taking vengeance into cruel drunken hands. But mobs usually met and stewed in secret and the door to the hall was open and people were passing in and out unmolested. Is a mob a free-will offering? Is it the people voting with their hands and feet? He swapped seats with Robert Morris to have a word with Phillips. He meant to ask him about the attack, but first he spoke of Dana.

— Judge Sprague refused him a writ of replevin, whispered Phillips.

— Naturally. They've got no one to serve it anyway. Was he downhearted?

— A little. He says he should have got it *valeat quantum*.

— Oh, hocus-pocus, said Parker indignantly. — Does he mean to try the case in Latin? I'm glad Charles Ellis is working with him. Has he agreed to that?

— Finally. But not until he had asked Rufus Choate.

— He must be out of his head, sputtered Parker. — Choate is an advocate of rogues and scoundrels. With him on the case, the spectacle would be about as uplifting as a bullfight.

— *Sh*, said Phillips. — Dana only admires him for his great talent.

— I don't care if he's a genius. His whole life has been treason to justice. He called the Constitution a set of glittering generalities.

Robert Morris poked him to keep silent and he switched to his own seat.

When Russell concluded his long speech, there was no mob. Mr. Bird of Walpole had begged for a chance to say a few words. He wanted to say a few words about the way the newspapers of Boston were handling the case. Mr. Bird was as waspish in his way as the newspapers had been on the other side of the case, and it was agreed that the point he had to make was worth while.

— I'm really glad, really awfully glad to see so many of you here to-night. Glad because I know that at least you people will hear the truth and not have to depend upon those servile tools of the slave power. I am referring, of course, to those great organs of pusillanimity and hypocrisy, the newspapers of Boston.

— I want you to know that they refused to print a denial of a report that the slave wanted to go back because his master was so kind. They were willing to lie for nothing but must be prevailed upon to tell the truth by being paid for it.

Mr. Bird wiped the sweat off his brow. He had a querulous, intimate, high-pitched voice and spoke rapidly without pause. It was a relief to hear him run on after the rolling stops and pauses of Chairman Russell. Mr. Bird could go on all night if he wanted to, without glancing away once from his listener.

— There are many mean men in Boston and I had the pleasure of telling one of them that he was a mean, sneaking dog. It was one of the editors of the *Traveler*.

— I hope you people believe me when I tell you that the man held at the Courthouse told Wendell Phillips that to say he wanted to go back was an unmitigated lie. I drew up his statement in the form of a certificate and carried it to the office of the *Traveler*. I asked if there was time to get it in.

Mr. Bird stopped here and gave a dry bitter laugh.

— I thought, of course, that it was news, and that time was the only question to be raised.

— I was then told, to my great amazement, that there was time to get it

in but that it must be paid for at the rate of one dollar and fifty cents. Well, after I had paid the clerk for it, one of the editors came in and I told him it was a mean, sneaking concern. So just be sure you pay little or no attention to what appears in the papers about this affair. Remember they are all run by doughfaces, wearing the print of their master's knuckles and the traces of their spittle on their faces. Soap and water don't wash it off, nor your hot tears either. They have worked hard for infamy and they have got it.

He waved his hand to the crowd, shook hands with Parker and Phillips, and started to push through the crowd to the doorway. He was wanted at home and he couldn't stay any longer, but it had felt good to get that much off his chest. He got many a slap on the back on his way out.

Dr. Howe came forward now to read the resolutions. He did not drone them out as many do but lined them out as if he were saying, Take them or be damned.

The time has come to demonstrate that no slaveholder can carry his prey from Massachusetts.

That which is not just is not the law, and that which is not the law should not be obeyed.

It is the will of God that all men be free. We will as God wills. God's will be done.

No man's freedom is safe unless all men are free.

The response was good. They were loudly cheering each resolution with rising fervor. The galleries, the window sills and even the anterooms were congeries of men and women, dressed as though for church.

A lamplighter was going about the hall, touching the gas jets with his torch. One flowered into flame directly beneath the place where John Swift was sitting in the gallery. He looked down into it until his eyes saw suns. He turned to one side to blink them out and when he opened his eyes, the windows looked black with the coming dusk outside.

The last resolution Howe read was *Resistance to tyrants is obedience to God*, and it made the hall rock.

John Swift looked into the gaslight again and then struggled to his feet.

— Burns is in the Courthouse, he cried. — Is there any law to keep him there? If we allow Marshal Freeman to carry away that man, then COWARDS should be stamped on our foreheads!

There were no seats on the floor, the people were standing and it was easy for them to face around and look up at him. He choked up with stage fright and grasped at the railing for support.

— When we go from this cradle of liberty, let us go to the tomb of liberty. Tomorrow Burns will have been there three days and I hope tomorrow to see in his release the resurrection of liberty.

He couldn't stop talking. The people kept looking up for him to say more and the thing wasn't working out the way it had been explained to him. He didn't know how to finish off and get the attention of the people back to the platform.

— The resurrection of liberty, he repeated, then said falteringly: — This is a contest between slavery and liberty . . . and I am now and forever on the side of liberty.

He sat down. The people kept looking up for a moment or two, enjoying the side show, applauded and turned stolidly back to watch the stage.

Parker was listening with amazement. Was this the signal? Was this the man, was this the voice? But what did he mean about tomorrow? Was the plan changed? He looked at Howe. Howe shrugged his shoulders to show his confusion. He looked at Phillips, who was rising to speak. Phillips stepped unemotionally to the rostrum.

* * * * *

The dusk was creeping through the square now and Higginson thought it safe to saunter casually to the door near the Marshal's office, the one they were going to use for the assault. He gave a start as a man lurking in a nearby doorway stepped out at him.

— Is that you, Martin? he said.

— Yes, Mr. Higginson, said Stowell.

— Where are the others? They should be here by now.

— I don't know. I rounded up about fifteen and they promised to be along about dark but they haven't come.

— Perhaps they're over at the meeting . . .

— The door is open, said Stowell, bending his head in its direction;
— we won't need to use the timber. I've got it hidden in the excavation over there.

Higginson fell into an uneasy silence. He remembered a fire that had burned a house in Cambridge and how he had envied some Southern students who were the focus of great applause for bringing an old man out of the building while he and another boy had risked their lives much more to bring some preserves up from the crumbling basement.

— Perhaps we ought to go over to the hall, he said. — The more of us there, the more support there'll be for our plan. We'll have to do some tall 'lectioneering from the floor to get these cold roast Bostonians on the run.

— Let's wait until it gets a little darker, Stowell said; — I'd like to sneak across the street and put a wedge in that doorjamb, just in case.

— Fine crowd we have, Higginson said in a discouraged voice. — When the boys come to town they just can't keep away from the bright lights and the pretty girls.

Stowell laid a cautioning hand on his arm as four men came toward them, up the street. They stopped. They were Negroes.

— This is all I could get, Mr. Higginson, said Lewis Hayden. — And they're all my cousins at that.

— Good, good, said Higginson. — We've got no one.

— There's two white men up the corner said they'd help out a little, said Lewis. — I'll try to keep out of the way so's not to get you folks in trouble.

— Oh don't mind that. Mr. Parker was just trying to relieve you from responsibility. We were just about to go down to Faneuil Hall. We're going to put a wedge in that door over there.

Stowell held his hand up in front of him. The darkness lay like a deep stain in his palm. He reached into his pocket for the wedge. It was a briar pipe, a huge one, an inch and a half in diameter, the heavy curving sort small men often smoke. He fondled it in his hand, ready to make a dash and thrust it under the hinge.

But then the slow *clop-clop* of the lamplighter's wagon came into the square, and he reached from his platform to touch into incandescence the tip of the iron post not twenty feet from where they stood and not five feet away from the open door.

— It's too late, it's too light, said Martin Stowell.

— It's too late, it's too dark, said Higginson, thinking of the order of business now coming up at Faneuil Hall.

* * * * *

Phillips stood with such imperturbability that Parker felt sure he had been mistaken about the signal. — We have, said Phillips, — up to now, had all the press, the pulpits, the prejudices and political arrangements of the country against us. But as of today, I am happy to report the city government is on our side.

He held his hand up to lull the applause. — We haven't much time. Tomorrow is to determine whether we are ready to do the duty they have left us to do.

The crowd applauded. Parker wondered at this last, but thought perhaps Wendell was covering up the new plan, to insure spontaneity.

— There is now no law in Massachusetts, and when law ceases, the people may act in their own sovereignty. I am against squatter sovereignty in Nebraska and against kidnaper's sovereignty in Boston. See to it in the streets of Boston you ratify the verdict of Faneuil Hall that Anthony Burns has no master but his God.

— You may think that this is a bloody doctrine, but we have every weapon that ability and ignorance, wit, wealth and fashion can command thrust against us. We speak for over three million oppressed Americans who have no voice but ours to utter their complaints and demand their justice. We have no weapon but truth. That, and the honor of Boston. A Boston which might become soon a creature of the South, an anteroom to that great brothel where half a million women are flogged into prostitution; where the public squares of half the cities echo to the wail of families torn asunder at the auction block. All of our rivers have closed over Negroes seeking in death a refuge from a life too wretched to bear. Men skulk along our highways and though guiltless are afraid to tell their names, and tremble at the sign of another human being. Within two years two such men have been captured in Boston, Pathway to Hell.

He paused amidst the cries of — Shame! and the cheers, as the warp and woof of the crowd pulled tight. They were not quiet but rustling as the page they had lived by, up to now, turned over and a new set of rules lay on the opposite: that good citizenship was a snare and a delusion, bad citizenship was honor and a compulsion. That right was wrong and wrong was right.

— See to it, Phillips said, half-turning away from them as if he were giving afterthoughts, — see to it, as you love the honor of Boston, that you watch this case so closely that you can look into that man's eyes. When he comes up for trial, get a sight of him and don't lose sight of him. There is nothing like the mute eloquence of a suffering man to urge to duty. Be there and I will trust the result. If Boston streets are to be so often desecrated by the sight of returning fugitives, let us be there that we can tell our children that we saw it done. There is now no use for Faneuil Hall. Faneuil Hall is the purlieu of the Courthouse, tomorrow, where the children of Adams and Hancock may prove that they are not bastards.

The crowd was roaring now and Parker felt as if he were in the hub of a great wheel. Phillips's speech had been hot and bitter; but then, they always were. He had heard him say as much, even more, to a meeting of the Cordwainer's Union in Lynn with an attendance of eighteen, at a rally to get subscriptions for the *Liberator* so Garrison's youngest boy could get a new pair of shoes. But this was a big crowd and it was whirling, and he

had to guide it into time and space. He had to roll it to the Courthouse, or to the Revere House after Suttle, or perhaps to T Wharf where the steamer lay. He had to wait for a signal that he didn't really understand, from a man he didn't know. He had to wait for a signal that might have already sounded. He was not sure whether he had to hold them back or set them rolling. The crowd was calling for him now. They weren't to be cheated of hearing Parker, signal or not. Nor would they have left before Phillips had ended. Eloquence was dog-cheap at these affairs, but Yankees never shied at a bargain.

— Fellow citizens of Virginia! . . . Parker's greeting was answered with a roar. It was loud and friendly with a laugh deep in it. He pointed his arm at them like a farmer prodding a bull with a pitchfork to test his mettle. He bent his head to hide a smirk and the lamplight bounced off his baldness and ran around his steel-rimmed specs. He gripped with his heavy farmer's hands the edges of the desk, as if they were plow handles, and braced his feet wide in the furrows and arched his back as if there were reins around it. He looked out at them with Yankee cussedness, as if saying, I'm going to whip you out of the hall but hold your hosses boys until I get the plowtooth deep in the ground.

— Fellow citizens of Boston, then . . . The roar started again but he stopped it with a brusque, impatient chop of his whip hand.

— I come to condole with you at this second disgrace heaped on our city. A deed that Virginia commands has just been done in the city of John Hancock and a brace of Adamses. It was done by a Boston hand. It was a Boston man who issued the warrant; it was a Boston marshal who put it into execution. They are Boston men who are seeking to kidnap a citizen of Massachusetts and send him into slavery forever and ever. It is our fault that this is so. Yes, we are the vassals of Virginia. It reaches its arms over the graves of our mothers, and it kidnaps men in the city of the Puritans, over the graves of Samuel Adams and John Hancock.

There were cries of — Shame, shame!

— Shame! So I say, but who is to blame? There is no North, said Mr. Webster. There is none. Mr. Webster stamped his foot and broke through into the great hollow of practical atheism which undergulfes the state and church. Then what a caving-in was there! The firm-set base of Northern cities quaked and yawned with gaping rents. Slack men fled, as doves with plaintive cry flee from a farmer's barn when summer lightning stabs the roof. There was a twist in Faneuil Hall and the door could not open wide enough for liberty to regain her ancient cradle. Only soldiers, greedy to steal a man, themselves stole out and in. Legal quicksand ran

down the hole amain. Churches toppled and pitched and canted and cracked, their bowing walls all out of plumb. Colleges, broken from the chain that held them in the stream of time, rushed through the abysmal rent. Harvard led the way, *Christo et ecclesiae* in her hand. There is no Higher Law of God, no Golden Rule, quoth they, only the statutes of men. And a prominent merchant of Boston said to his fellows that if any men would assassinate Mr. Phillips and myself, it should be declared justifiable homicide.

The crowd laughed and he laughed with them. It was one of his favorite quotations. But then he stood rigid again. Time was ticking by. The brightness was falling from the outside air and he had to make them ready for the signal.

— Yes, the South goes clear up to Canada. There is no Boston today. But there is a Northern suburb of Alexandria; that is where Boston is, and you and I are fellow subjects of the State of Virginia.

Now some of them were getting riled, and there were many shouts of — No! No! Nay! Some of the Worcester men were taking too seriously the affront to Boston. He pointed toward the *Nay*-ers, looking insolently at them. One tall farmer looked him right back in the eye.

— Take that back, the farmer said.

Parker held his gaze until the man got red in the face.

— I will take it back when you show me the fact is not so.

The outraged farmer looked as though he were going to climb onto the platform and take a swipe at Parker. But his friends began to talk to him and a little knot of men began to isolate themselves from the rest. Parker hoped devoutly that the signal would come from them. He gave the rest of the crowd another flick of his lash.

— Men and brothers, he said, then paused insultingly. — Well, brothers at any rate. I have heard hurrahs and cheers for liberty many times. I have not seen a great many deeds done for liberty. I ask you: Are we to have deeds as well as words?

There were more cheers and cries of affirmation, but nothing about going to the Courthouse. He waited until the silence became embarrassing. Then he had to start building again.

— Now, brethren, you are brothers at any rate, whether citizens of Massachusetts or subjects of Virginia. I am a minister. Fellow citizens of Boston, there are two great laws in this country. One of them is the law of slavery. That law is declared to be a finality. Once the Constitution was formed to establish justice, promote tranquillity and secure the blessings of liberty to ourselves and our posterity. Now, the Constitution is not to

secure liberty. It is to extend slavery into Nebraska, and when slavery is established there, in order to show that it is, there comes a sheriff from Alexandria to kidnap a man in the streets of Boston, and he gets a judge of Boston to issue a writ, and a Boston man to execute that writ.

There were more cries of — Shame, shame! But still they stood there looking up at him. He strained his eyes, shading the light above with his hand, to see if there was anyone at the back of the hall trying to attract his attention. How long must he be impaled on this shaft of doubt? He looked back at Phillips and Howe. They were tranquil. Not by the turning of a hair did they help him solve his terrible irresolution. . . . He must talk, he thought. There's been a delay; the plot discovered . . . Something must be stuck. . . . He was now so nervous, he could not stand at the desk but had to walk up and down.

— Slavery tramples on the Constitution. It treads down states' rights. Where are the rights of Massachusetts? A Fugitive Slave Commissioner has got them all in his pocket. Where is the trial by jury? Watson Freeman has it under his marshal's staff. Where is the great right of personal replevin which our fathers wrested several hundred years ago over in Great Britain? Judge Sprague trod it under his feet. Where is the sacred right of habeas corpus? Deputy Marshal Riley can crush it in his hand, and Boston does not say anything against it. Where are the laws of Massachusetts forbidding state edifices to be used as prisons for the incarceration of fugitives? They too are trampled underfoot!

He paused again. . . . You fools, you fools, where is the signal? . . . He was tired. He didn't want to talk any more. He was repeating himself. He was whirling and whirling around, still like a hub, but the wheel was off the ground. He began again. Outside he could see the last light fading from the sky.

— These men came from Virginia to kidnap a man here. Once this was Boston. Now it is a suburb of Alexandria. At first, when they carried a man off from Boston, they thought it was a difficult thing to do. They had to get a mayor to help them. They had to put chains around the Courthouse. It took them nine days to do it. Now, they are so confident that we are citizens of Virginia that the police have nothing to do with it. I was told today that if any man in the employment of the city meddles in this affair he will be discharged without a hearing . . .

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To the watchers in the square the open door was like a live thing. It moved slightly from time to time in the wind with agonizing deliberate-

ness, sometimes as if someone were closing it and then again shifting further ajar, beckoning, inviting. The moment for the onrush of the mob was past due, and the tension becoming unbearable.

— I'm going to fix that door, said Stowell grimly, taking his pipe out of his mouth and knocking out the ashes, — light or no light.

— We'll all go, said Higginson nervously. — There's no one in sight and one of us might be able to get inside and hide.

— I don't think . . . Stowell began to object.

— There's no one around, Martin, said Higginson. — They're all at the meeting, the attackers, the defenders, everybody but Anthony Burns and us is at Faneuil Hall tonight.

Stowell shrugged and the six men began to cross the brightly lighted street. Lewis Hayden stopped short in alarm as they got half over. He had seen a figure at the other end step out from the shadows behind the City Hall. — It's Officer Tarleton of the City Watch, he said. — If he sees me, our goose is cooked.

One of his cousins ran quickly to the lamppost, shinnied it and broke the glass with his fist. In the plunge of darkness Officer Tarleton turned his back on them and shook his watchman's rattle for help. Ike Green, one of the Courthouse deputies, who had been watching their approach from a basement window, ran upstairs. Just as they got to the steps, he shut the door in their faces. They heard the bolt slam into place.

— The beam, the beam! shouted Higginson. — We've got to get the beam!

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The man on the platform turned his head anxiously right and left, pointing his ears toward the applause, not drinking it but rejecting it, hoping to hear in its dismaying dissonance the clear tonic phrase of the signal. His tired scholar's eyes, now beginning to burn in the unaccustomed glare from the battery of lamps overhead, tried to pierce to the back of the hall and up to the gallery. He could hear scattered bursts of response to his thrusting challenges, but it was only crowd comment, as set and static as the *Amens* at prayer meeting.

— I say there are two great laws in this country. One is the slave law; that is the law of the President of the United States, it is the law of the Marshal and of every meanest ruffian whom the Marshal hires. There is another law, which Mr. Phillips has described in language such as I cannot equal and therefore shall not try. I can only state it in plainest

terms. It is the law of the people, when they are sure they are right and determined to go ahead.

The applause was louder, firmer and the crowd began to press toward the stage. Groups swept into the corner, flanking him. There was no passage, no way at all to get through to the door. He felt like saying, Press not so upon me. He decided to end this miserable speech, the worst he had ever made, with its repetition and scraps from older, better ones, and the rough improvisations used to bring the pot to boil too soon; a speech that revealed, to all who knew him, an unhappy division in his mind and a basic reluctance somewhere behind it.

— Now, gentlemen, I say there is one law, slave law. It is everywhere. There is also another law, which is also a finality, and that law is in your hands and your arms, and you can put it in execution just when you see fit. Gentlemen, I am a clergyman and a man of peace. But there is a means, and there is an end. Liberty is the end, and sometimes peace is not the means toward it. Now I ask, What are you going to do?

— Shoot, shoot! someone yelled, louder than all the cheering. There was a quick moment of cold silence, a shocked intake of breath. Then a wild roar began. The man who had cried out for blood was set upon by some earnest Nonresistants, and the whole meeting began to curdle, swirling little rings formed where there had been rows and in the midst of each of them was a Worcester man crying, — Shoot!

This wild digression from the platform came as a relief to Parker. He wanted to think a bit. He had suddenly and almost unescapably come upon a moment he had spent his life preparing for. His grandfather had cried *Shoot* on Lexington Green and put his country in a position that could only be resolved by a bloody revolution. Had he maneuvered Boston into the same position over slavery? Should he take up the cry and say, Yes, shoot, shoot! Take your guns to the Courthouse and shoot down Watson Freeman and the pimps and drunks and thieves and bawdyhouse keepers befouling the seat of Boston justice? . . . Could he?

— No, no, he shouted at the crowd, his voice overpowering them. — There are ways of managing this matter without shooting anybody. Be sure the men who have kidnaped a man in Boston are cowards, every mother's son of them, and if we stand up there resolutely and declare that this man will not go out of Boston . . . then he won't go back, and without shooting a gun.

There was a roar of applause at this, the Worcester men were gasping, silent, waiting for their second wind.

— Now I am going to propose that when we adjourn it be to meet in

Court Square tomorrow. As many as are in favor of the motion will raise their hands.

— Tonight, tonight! shouted the Worcester men, and they pressed forward angrily, trying to pull down the upraised hands. Some booed. Some were for going to the Revere House for Colonel Suttle. Parker was appalled at the faces wrestling towards him, glistening with sweat and urging their bloody course, waving their guns and cursing.

Parker clung to the desk for support. The noise was pointed at him, falling on him like fist blows. The windows now were unfriendly, not opening out like eyes but sending back splintery reflections of the hard lights and the turmoil below him. He stepped back and looked around for the rear door. Then he realized, with a sickening certainty, that there was none. The only door was up there, at the back, and there were wild beasts between him and the only opening. He became afraid. They were all in a trap. Marshal Freeman could send six men to block the door and hold them here all night. It was not like his Music Hall, where this trapped, writhing centipede could have spread its legs in any direction out of forty-two doors.

— To the Courthouse! To the Revere House! . . . Tomorrow, tomorrow! came the cries, equal in force.

He knew he had failed. That night Faneuil Hall had been a cannon packed tight with human grapeshot and wadding and he was to be the powder in the breech. But the man with the slow-match had held his hand too long, and the shot would scatter and spend itself long before it reached the Courthouse. And now it was no longer a weapon pointed at wrong, but an untidy closet, and he was an old pair of shoes at the bottom, smothered with rag-tag clothes and cast-off fripperies.

He stood helplessly watching members of the Vigilance Committee, panic-stricken by the suddenness of the squall from the west, butting and buzzing through the crowd, tugging at the lapels of their partisans, trying to trim ship and get back on the charted course.

— Tomorrow, they hissed, — the plan is tomorrow.

The Worcester men pressed on, shouting — Tonight, tonight! until he began to cough half-strangled. He clenched his fists and raised them in choked appeal. If there had been a passage through them, he would have gone then to the Courthouse and smashed the door with his hands. Instead he stood, half-dazed, coughing into his handkerchief, while the agitators leaped and bayed at him, contending like dogs for withheld meat, demanding his approval of their plan.

Wendell Phillips could stand it no longer. He knew Parker was sick.

He knew the racking cough was shredding away lungs cursed, in spite of Parker's denials, with the family consumption which New England had planted in the blood of its pioneers. He put his arm around Parker and told him to sit down. Parker leaned against the warmth, a tired swimmer sinking in sight of land after a long pull. He took his chair.

Phillips was severe with the crowd. His grimness quieted them before he spoke.

— Let us remember where we are and what we propose to do. You have said tonight that you will vindicate the fair name of Boston. Let me tell you you won't do it by groaning at the slave catchers at the Revere House, by attempting the impossible task of insulting them.

— What about the Courthouse? someone yelled.

— If there is a man here who has an arm and a heart ready to sacrifice anything for the freedom of a man, let him do it tomorrow. If I thought it could be done tonight, I would go first. I don't profess courage but I do profess this: when there is a clear possibility of saving a slave from those who are called officers of the law, I am ready to trample any statute or any man under my feet to do it. I am ready to help any hundred, any fifty, or twenty-five. But wait until daytime . . .

— We'll leave the lights on, Wendell dear, came a raucous voice.

Phillips ignored him.

— The vaults of State Street are with us for the first time, fellow citizens. We can muster enough people tomorrow to block the street from the Courthouse to the Harbor. You should believe it when a radical like myself affirms it.

This drew more abuse. — You sound like you had State Street in your pocket, Phillips.

In the laughter came another taunt. — What's your definition of a radical, Wendell, a member of the Merchants' Exchange?

— Ask your own party that question, said Phillips, savagely reverting to his Garrisonian principles. — The best men in the city, and I count that man best who treads the Constitution and the Union under his foot, say this man will not leave the city of Boston.

At this heresy, the men from Worcester, mostly voting Abolitionists, Free-soil Democrats and Conscience Whigs, broke out with thunderous boos. Parker, who had welcomed Phillips's interference as a diversion, a time-gainer, realized that he was now opening up a fatal gulf between the floor and the platform. He dimly felt an obligation to rise and take issue with or mitigate the hardness and finality of this position but his will failed and he slumped weakly back in his chair. . . . How could he stop

him now in the face of this abuse, ask him to change his tune or quietly take his seat under this onslaught of challenge? Challenge and opposition was Wendell's bread and meat, his whip, his spur.

Parker put his hands over his face as Wendell, magnificent war horse that he was, hardened his mouth against the bit, threw back his high mane, pitched the mellow, flexible voice into a high piercing scream: — Do not block their efforts by showing ourselves an utterly useless, harmful, tumultuous, aimless, purposeless mob before the pillars of the Courthouse. It will serve no end but to put our enemies on their guard; only to give the garrison notice, only to rob ourselves of the sympathy of the city. You that are ready to do real work, to sacrifice something for the man, must not be carried away by a momentary impulse to a fatal indiscretion. If your enthusiasm is so transient it will be spent by tomorrow morning, put on your hats and go home!

He paused, and in a silence as sepulchral, thick and listless as the dead air of a tomb, a voice came breathlessly from the back of the hall.

— Mr. Chairman, I am just informed that a mob of Negroes is in Court Square, attempting to rescue Burns. I move we adjourn to there.

* * * * *

Louis Varelli's boys, now deputies of the United States Government, were lounging at the upper windows of the front end of the Courthouse. They heard the music of a military band, coming up from the Charles. It was playing "Wood End," the favorite march of the Boston Voluntary Artillery, as it marched up from maneuvers on the riverbank. They went downstairs to hear it on the front steps, and caught sight of the mob from Faneuil Hall swinging into State Street. It took them only a second or two to retreat into the building and shut the big doors with a clang and hook the chains across.

Higginson and the four Negroes were struggling with the timber as the mob came into the square. He directed his toward the door. Martin Stowell was waiting anxiously for the Worcester men to form behind him.

Marshal Freeman's office was near the door, and he ran out into the corridor calling for help. The door began to creak and bend at the blows, and the Marshal screamed in panic. His small son was with him and he sent the boy for Pat Riley who was playing cards in Tony's room. Riley got sabers up from the basement and passed them out to the guards.

Stowell was trying desperately to channel the mob into formation, but

the froth and scum of the meeting had got there first, and all they wanted to do was pick up rocks and smash the Courthouse windows.

Inside, the panic grew. Augerhole came running downstairs with his round knife in his hand. He went to the door, but when he saw the splinters springing like veins from the dark oak he stepped back. The Marshal waved his arms wildly at the door, calling his men. Three of the hardest — Ben True, Ike Green and James Batchelder — put their shoulders against it, but the bolt-straps gave way.

Finally it opened and two Negroes and Higginson plopped inside. The truckmen deputies, unaccustomed to swords, began flailing them over their heads without taking the blades out of the scabbards. The Marshal got his free and struck Higginson on the chin. Someone turned the lights up inside and suddenly the stairs were full of men reaching for their pistols. The two Negroes backed out and Higginson, pausing a moment to look at the blood on his hands, was cut off from retreat. Stowell rushed up the steps and fired point-blank from his pistol into the hallway.

Isaac Green felt Batchelder fall against him and then he saw him try to work himself out of the crowd in a curious sidestep like a slow crab. Batchelder was holding his belly in his arms and mumbling and the others parted to let him through. — Right in the guts, someone said. — The shot ripped the bowels out of him.

Marshal Freeman saw him sag and crumple at last and took him under the arms and dragged him into the office. The guards came hesitantly to the door. Higginson, finding himself clear and not understanding the reason for the rush and the terror, stepped angrily to the open door to wave on his rabble army.

One of the deputies, in a strange gesture of decorum, pushed him out on the steps like an unwelcome guest.

— You cowards, Higginson cried to the mob, — Will you desert us now!

But as the movement started to the door, the city police, spurred by the hard thud of the iron tongue in the Courthouse bell, and breathless from running down the stairs from the Mayor's office, began arresting those in front. Martin Stowell managed to hide the pistol in his underwear before they carried him off, and the rest of the men taken in were unarmed Negroes — except for a Harvard student, caught while raising his arm to throw a stone. His name was Albert G. Browne, Junior. His father had sat on the platform at Faneuil Hall that evening.

Inside, the Marshal's guard wall got a good look at Batchelder, now bleeding and dead, and Freeman told them to take up positions on the stairs and draw their cutlasses and cock their pistols.

The guard now was bloodthirsty. They wanted revenge. They were mercenaries no longer for the moment, and they shouted for someone to open the door and let the rioters in, knowing that they could shoot them down like fish in a barrel and even up the score many fold.

Freeman thrust a man away from the door and slammed it shut. The Supreme Court justices and the officials of the court were scuttling down the stairs from the second floor. Freeman, now at the height of his uneasy role as an unwelcome tenant in the house of justice, rushed forward to guide them out as politely as he could, smothering them with apologies.

Colonel Suttle, at that point, was running unsteadily out through the unguarded and unmolested west door, without a thought for poor James Batchelder.

When the Marshal was out of sight down the corridor, one of the guards ran to the door again and swung it open, making it the wrong end of a shooting gallery.

Seth Webb, a young lawyer, darted from the street up the steps and was about to go in. Higginson pulled him back, sensing the ominous quality of the silence within.

Those in the crowd who were shouting and throwing rocks were being arrested. The Negro who had smashed the gas lamp was recognized and borne off to the Watchhouse.

Then, from the dark clump of angry people, came a tall man with a cane. He walked up the steps with deliberation, and thrust the door open to its widest arc.

He turned to the crowd and said, — Why are we not within?

One of the bullies on the stairs fired at him. But the volley did not come, as the man swung back to look at them. In the vortex of that moment his tranquillity was frightening, his long hair shimmered in the back light and he looked like a small boy's idea of God. It was Amos Bronson Alcott. After he found no response behind him or ahead of him, he turned and walked slowly down the stairs and sadly to the silent fringe of the crowd, and then to his home, counting this night a failure.

Dr. Bowditch had seen him start for the stairs and wanted to join him, but he felt the futility of the occasion. The people near him stood idly, truly like spectators. Swift, who had waited for him at the bottom of the stairs of Faneuil Hall and who had made the lung-bursting run to the Courthouse with him, was nowhere to be seen. Bowditch felt the urge to throw himself into the maw, but the sheer nonsense of the affair had brought him to a state of mingled horror and shame. Higginson was standing silently and awkwardly on the stairs by the door. Seth Webb

had disappeared. And after Alcott's gesture, sacrifice seemed unbearably self-conscious and vainglorious. Bowditch turned and walked from the scene, burning with shame and hating himself.

For some reason, whether for fear of irritating the crowd or simply because they had their hands full with window breakers, a more expensive item than mere revolution, the police were ignoring Higginson. He stood there, bleeding from the chin and pressed to the granite wall, like a man trapped on a precipice with a crowd gathered far below him waiting for him to fall and splash.

* * * * *

Back in Faneuil Hall, the crowd sweeping down the stairs from the gallery had forced back the people from the main floor and they were caught in a crush inside the doorway. Parker and Phillips were tugging and shoving futilely against the irate citizens at the thick end of the wedge. They tried to insert themselves into small eddies and currents of outward motion a dozen times, but ended up at last blocked and hampered by the listless, sauntering rear guard. People that knew Parker stopped him and asked him what to do. — Go to the Courthouse, he repeated, brushing off their attempts to get a fuller explanation. Howe lingered behind with him, giving him many an anxious glance.

— Go on, get up there, Chevalier! he said. — Don't look at me as if you were taking my pulse; I'll get there. See if you can stop Higginson; this is crazy.

But Higginson was already stopped. The band and the Militia had reached the square, and were greeted with loud jeers by the crowd, who left the Courthouse and clustered around the Artillery with the fickleness of anger.

Higginson broke away from the wall and walked unsteadily up the alleyway beside the City Hall and then to Tremont Street. Behind him he could hear the pad of feet coming closer and closer. It was a chase and he was not equal to it. He was able to summon enough guts a minute later to turn abruptly and face his pursuer.

It was a kindly little man who held something out to him with a timid shrug and said, — Mister, you forgot your rumberell.

* * * * *

The mass of men were walking from Faneuil Hall to the Courthouse. Only the young and wild had gone to the rendezvous in a dead run. Parker had to stop at each corner for a deep breath.

Phillips took him by the arm. — Am I going too fast for you? he asked. Parker shook his head.

— You should carry a stick, said Phillips. — It's fashionable.

— I should carry a long staff and knock at the earth and say *Liebe mutter . . . let me in*.

When they reached Court Square, it was all over. Higginson had bled and gone, and the Volunteer Artillery was still drawn up in the square. Howe ran over to them in great excitement.

— Higginson went ahead with it. It failed, and a man has been killed.

— Watson Freeman, I hope, said Parker.

— No, one of the deputies. The bullet passed under the Marshal's arm. Oh God, we've got to do something . . . re-form our lines. I blame myself for this.

Howe walked quickly away; he caught several people by the arm, urging another attack. But they turned away as the police arrested two more.

— How could Higginson have done such a foolish thing without telling us? said Phillips angrily. — He should have known just announcing the attack wasn't enough.

— Didn't you know about it? said Parker in a slow, dead voice.

— No. How could I? I've been chasing Dana all day. Were you in it? Is that why you kept bringing things to a boil? Why didn't you tell me, why did you let me throw cold water on it?

Parker looked at him with unanswering eyes, frozen stupid in anguish.

Phillips tried to comfort him. — Perhaps it wouldn't have mattered if you had told me. I might have opposed it on scruples. I suppose we'll be blamed by both sides now. I wouldn't like to be in Worcester tomorrow! Let's go. This is a bad Friday, if I ever saw one.

— Bad Friday, repeated Parker, — with me the Pilate to you and the Judas to Tom.

— It was an error of judgment, nothing more, said Phillips. — There is still the Resurrection to come. Richard Dana may save us all.

They saw John Swift wandering around, his head down, hands thrust deep in his pockets, like a schoolboy at a football game, taxed with the losing side. Parker went to him to ask about Higginson and the others. Swift cut him dead. He nodded to Phillips and walked off into the darkness.

A small group of roughly dressed men began to gather about them. Phillips tried to draw Parker off, but he stood his ground looking them all, one by one, in the eye. They were truckmen and their helpers with

some toughs among them. They stood looking at Parker and mumbling to one another. The knot became a ring around them and the eyes were all filled with hatred.

— You know what you've went and done, said one, with a thick Cork accent. — You killed Jimmy Batchelder with your gab, you killed him.

— Can't you keep your bloody mouth shut and leave people alone?

— Oh, they'll git theirs, said a high-pitched whining voice, the kind that always puts threats into the third person, — They'll git it someday. Git strung up fer it, fer what they did. And if the governmint won't, thin the people will, and God himself will be glad.

— That's right, that's right, said the voices, and the men took a step nearer.

Parker pulled his arm away from Phillips and glared at them. One lout, after looking to see if he had plenty of backing, stood directly in front of Parker.

— You've killed a man with this night's work, he screamed. — But that isn't all your rottenness. You atheist, you blasphemer, you God-damned son-of-a-bitch infidel!

Parker stepped to the man before Phillips could restrain him. The man jumped back at the suddenness of it. Parker seized him by the arm and the old strength, the strength that could hold a plow with one hand and two horses with the other, the strength that could lift a barrel of cider to his lips, came back to him. The man lifted his free hand to shield a blow and two or three men on the fringe began to walk away, looking fearfully over their shoulders.

— My brother, said Parker, his eyes blazing, — I am not afraid of men. I can offend them and care nothing for their hate or their esteem. But I do not dare, as you do, to violate the eternal law of God, the Father of the white man and the white man's slave. I do not dare to violate His law, come what may. Should you?

The man twisted his arm free with a mighty wrench, looked with awe into Parker's face, and walked quickly away, his toadies stumbling behind him.

They walked by the shattered door of the Courthouse and Parker stooped and picked up a long jagged splinter from the shattered door. He held it a moment in his hand.

Phillips watched him with concern. — Throw it away, Theodore, he advised. — I shouldn't keep it, if I were you. You'll be magnifying it into a relic of the true Cross.

— It may turn out to be that, to me.

He wrapped his handkerchief around it and placed it carefully in his breast pocket. And then they began the long dark walk home, past the groups of scorning men.

* * * * *

But Ben Hallett had the last word that day: had it in the dead spot of the night, in the Courthouse now defiled with its windows looking down on the square with broken eyes and the east door hanging from its hinges, all askew like a twisted mouth.

The Justices of the Supreme Court had been obliged to flee in panic from their deliberations. While they were combing through the snarled evidence against a man accused of killing someone nobody cared about in a spot nobody was sure of, a United States Deputy Marshal, trying to keep a mob from breaking into the Courthouse, had been murdered within their hearing. If he had given way from the door and fought his way back twenty yards or more, he might have been killed in the courtroom itself, before the judge's bench, or been propped up to die in the witness chair giving off irrefutable testimony of the scene and the course of the crime, wordlessly, with his dying.

Ben knew the steelyard of time had swung the balance to his side and he was in the Marshal's office making the most of it. He had seen the attack from the lobby window of a nearby hotel and had gone into the Courthouse as soon as the mob had drawn away to jeer at the soldiers marching into the square.

— Lock the door, he told Watson Freeman, — we've got work to do.

And while he scratched deliberately on sheets of legal foolscap, the Marshal stood with his ear to the barred door, listening for threatening sounds in the corridor outside.

The guards stood around on the other side of the door, still holding shiny new cutlasses in their sweaty hands. They were not in formation or walking post; they just stood there. Some of them talked but not about Batchelder. Two talked of quitting and then did throw down their arms and leave. The others, used to violence and sudden death, just said that they were glad they hadn't rushed ahead too quickly and become martyrs for three dollars a day.

The Mayor, the Chief of Police and three of the aldermen came in through the broken door on their way to talk with the Marshal. The guards did not question them but Watson wouldn't open the door until Ben gave him the word. The aldermen banged angrily and shouted, — Open up, open up!

When they stepped inside, Ben was waiting for them with a sheaf of papers in his hand.

— Gentlemen, he said reprovingly, — I assume you are here to offer your help; but let us not forget we have the remains here of a man who has just given his life for his country. Hats off, please, gentlemen.

The Mayor took his hat off sheepishly and looked down at the body. He suddenly knelt down to draw the rug aside and examine it. One of the alderman, Tisdale Drake, said sharply: — I shouldn't examine it, Mr. Mayor. You'll be asked to give an opinion if you do and it will involve the City officially in the affair.

The Mayor drew back his hand with a jerk, hesitated and then grasped the dead man's wrist. — Just looking for a pulsebeat, he said. — Well, he's dead all right.

— The City is already involved, Alderman, said Ben, — regardless of the Mayor's medical opinion. Several eyewitnesses have seen the man shot in the groin with a pistol fired by one of the rioters. He bled like a stuck pig. The Marshal and I have prepared a statement to the newspapers about it.

— Has the coroner seen him yet? asked the alderman.

— No, answered Ben.

— Then I'd advise you to go easy before you make statements about how he was killed, said the alderman, threateningly.

— I appreciate your concern for your friends, Alderman, but if you had gone easy and thought a bit before you gave them a permit to organize fanatics and murderers in Faneuil Hall tonight, this man would be alive.

— Don't lay the death at our door, Hallett . . .

Ben held up his hand. — Please, please, Mr. Drake, I have to take immediate steps to prevent further murders and disorder before I can stop to argue this one. No one else seems to be equal to the occasion.

— We'll wait, said the alderman.

Ben shrugged his shoulder to show that he was ready to carry on without them and began to read loudly from a paper in his hand.

— Marshal, I am sending this telegraph at once to Washington city, to the President:

IN CONSEQUENCE OF AN ATTACK ON THE COURTHOUSE TONIGHT FOR THE PURPOSE OF RESCUING A FUGITIVE SLAVE UNDER ARREST, AND IN WHICH ONE OF MY OWN GUARDS WAS KILLED, I HAVE AVAILED MYSELF OF THE RESOURCES PLACED UNDER MY CONTROL BY LETTERS FROM THE WAR AND NAVY DEPARTMENTS IN 1851 AND HAVE ORDERED TWO COMPANIES FROM

FORT INDEPENDENCE STATIONED IN THE COURTHOUSE. EVERYTHING IS QUIET. THE ATTACK WAS REPULSED BY MY OWN GUARD. Signed WATSON FREEMAN, MARSHAL.

He handed Watson the pen, enjoying the discomfiture of the aldermen as he watched them out of the corner of his eye.

After Marshal Watson Freeman had scratched his name he handed Ben the quill. Ben laid it down.

— Aren't you going to sign it, Ben? asked Watson anxiously.

— Certainly not, Ben said. — You're in charge here. I'm merely your legal adviser. The letters I refer to are in the pigeonhole to the left in your desk. Get them.

He crossed to the outer door, opened it and shouted, — Riley, Pat Riley! He closed the door and faced the aldermen. — Now, gentlemen, there are a great many things that you can do to help this city put down this disorder. The Marshal and I cannot take the responsibility for putting it down. What do you propose to do?

Little Alderman Williams tilted his mole's face up to Ben and said, — We're here to propose that you get the hell out of this Courthouse, Ben Hallett, and take your gang of thieves with you.

Ben flushed red. He was angry. — How dare you, sir, use that language to me? By what right, sir, by what right?

— It's city property, Mr. Government District Attorney, and it's being destroyed.

Ben rocked back on his heels as if he had been struck a foul blow. — How is it being destroyed? Why are you blaming us? Get the men at the meeting. Get the crowd from Worcester.

— Your lease is hereby terminated. Get out, get out. Alderman Williams was a Scotsman, and his anger flared high and his burr thickened. — Git oot, git oot, he said.

— By what authority is the lease canceled? said Ben, recovering somewhat and playing for time.

— By the authority of the Board of Aldermen, said Williams. — We've warned you before about this, and told you we'd cancel the lease if there was further trouble. Now don't say it was us that made it. You put the poor black lad in the room upstairs, and you can't blame the people for striking against the bloody law.

— Let me see it in writing, said Ben. — I've got to have notice in writing. Where are the minutes of the meeting? When was it held, and how many were there? And I demand a rollcall on the votes.

Ben saw the aldermen pause in consternation. He saw he had won a point and followed it up quickly. — Oh, this meeting was held tonight, and there was no quorum, was there, gentlemen?

— Why don't you take the man over to the Navy Yard, Ben? said the Mayor in a placating tone. — It's safer there. It would be better all around.

— And what will I do with poor Batchelder? said Ben, gesturing at the body. — Lug his remains like a side of beef all over the city? I can't understand you men; Christians, you call yourselves, but you act as if this was no more than the body of a dog lying there.

— Thy servant is a dog that he should do this thing, said Williams, putting his hat on with an angry tug. He waved his finger under Ben's nose. — We'll get a quorum and we'll get you and your kidnapers out of here. And you'll get a carpenter and repair that door and put a glazier to work on the windows. The City won't pay for it . . . or for *that*.

He pointed his finger at the corpse and went out. The others followed. The Mayor and the Chief of Police were last.

— Mr. Mayor, said Ben sharply, as His Honor got to the door. — I want a few words with you and Chief Taylor.

While the Mayor hesitated at the door, Pat Riley came in. — Did yez want me, Ben? he said.

— The Marshal wants you, Riley. The Marshal will give you some letters of authorization. He wants you to go out to the Harbor forts and come back with two companies of Marines.

Riley turned and blinked at the Marshal as if the man's mind had become unhinged. — Couldn't it wait till morning, Marshal? It's comin' to midnight. There won't be any more trouble tonight.

— I want this building occupied by U. S. troops tonight, Riley, said Ben sharply. — Now get out there.

— Holy Mother of God, Mr. Hallett, said Riley. — What am I going to do, walk across the water?

— I seem to remember, said Ben with contempt, — a small steamer now tied up at Long Wharf and chartered by the United States government. Would it be too much trouble to get them to take you down the Harbor, or has Austin Bearse driven it off with one of his fishing and piracy parties?

— Be God, you're right. He crossed to Ben and tugged at his sleeve, looking with an apelike smile up into Ben's face. — You're right, sir. He touched his forelock, took the papers from Watson and left.

Ben looked over at the Mayor, who was still standing, undecided, at the door, and crooked a finger at him. — Come over here, your Honor. The hotheads have gone now. You can be yourself.

The Mayor walked over uncertainly. — I realize this situation is bad, Hallett, but I'm in a very difficult position. The whole Board of Aldermen is against you. I'm afraid . . .

— How are they going to evict me? boasted Ben. — In an hour or two this building will be occupied by Marines from cellar to attic. They'll have to declare war to get me out.

— I don't think that attitude is helping matters any, said the Mayor sadly.

— I don't care what you think, Smith, replied Ben, bluntly. — I've got a job to do and I'm going to do it. I'll go as far as I can and that's pretty far. The sooner you go along with me, the better off you'll be. This is nothing to what might come if I don't get the aid of the city authorities.

— You seem to have everything you want without any action of the city authorities; in fact, by flouting the city authorities.

— This isn't all I want, Mr. Mayor. I want all streets and avenues to this place kept clear to prevent a repetition of this incident.

— How can we do that? I haven't enough police to do that.

— Call out the City Militia. Quarter them in Faneuil Hall. That will perform a double duty and keep the aldermen from issuing any more permits for treasonable meetings. That's the proper way to handle this affair.

— Is it legal? asked the Mayor doubtfully.

— It's a lot more legal than having another murder committed in the Courthouse! What do you do when a fire station burns down, give the firemen a medal? You're in a bad position here, Mayor Smith. Your ears are going to be red-hot when the papers come out in the morning. They'll want to know what you've done to protect the citizens from this violence all around them. How many arrests have you made?

The Mayor turned helplessly to Chief Taylor. — Chief Taylor would know. How many, Chief?

The Chief had been watching Ben with a great deal of annoyance. He owed his appointment to Mayor Smith and he didn't like to see him bullied. — About forty or fifty have been confined to the Watchhouse, he said.

— Forty or fifty, repeated Ben. — Who are they, what are they? Are they citizens or are they the foreign invasion from Worcester?

— I don't know who they are, said the Chief. — My men have put down the disturbance as far as I am concerned.

— What about the murderers? Have you got the man who fired the shot? Have you got the men who instigated the attack? Have you got Theodore Parker and Wendell Phillips? Have you arrested them or will I have to sign a complaint against them myself?

— We have arrested the men caught creating a disturbance. The men speaking at the hall had a permit to do so. I was there myself, and I heard no talk from the platform of attacking the Courthouse or killing anyone.

— Are you foolish enough to think there was no connection there? It was all cut-and-dried. There was a signal given from the men that were hanging around outside. Where did they get the timber all of a sudden to batter the door in? They didn't carry that all the way up from Faneuil Hall. The men that smashed the door weren't at the meeting and the meeting wouldn't have come out to aid them if they hadn't known what was up. The meeting caused the shooting of the man; the town constable down in Barnstable could figure that out. How long have you been Chief of Police in this unhappy city of one hundred and sixty thousand unprotected souls?

— Four hours, sir. But I know you can't charge a man with murder until the cause of death has been established by the coroner. For all I know the man might have tripped on his own sword. And I might say one more thing, Mr. Hallett. I am responsible to the Mayor and the aldermen, and no one else. I doubt very much if the police force can find time to guard the approaches to this Courthouse. I am sure that many of them will refuse outright rather than get mixed up in this.

— Mr. Mayor, said Ben, — is that the kind of an answer a citizen of Boston should get from a public servant?

— Please, gentlemen, please, said the Mayor, — let's not get embroiled in personal arguments tonight. We have a public opinion question here and we must keep our heads cool. Now, I agree with both of you gentlemen. I feel that there should be an assurance given to the citizens of Boston that their streets will be kept orderly. On the other hand, I know many officers and others will refuse to serve in this affair. Even if we did call out the Militia, as a last resort, it would be acutely embarrassing to all of us here if they ignored the order, which they might.

— Colonel Cowdin is your man, said Ben. — He, thank God, owes no allegiance to anyone but the United States. Tell him to get the Columbian Artillery, under Captain Cass. They're all Irish and when they hear what happened to Batchelder and that he was an Irishman, they'll come a-runnin'.

Chief Taylor turned to the Mayor. — Is there anything else, sir?

The Mayor shook his head. The Chief left abruptly. Mayor Smith reached around and pulled his sweat-soaked coat away from his back. — About calling out the Militia, he said. — I don't know how to do it.

— Sit down and write, said Ben, and then began to dictate. His voice

held an unmistakable note of triumph as he carefully phrased the official paper.

TO COLONEL ROBERT S. COWDIN, COMMANDING THE FIFTH REGIMENT OF THE ARTILLERY OF MASSACHUSETTS VOLUNTEER MILITIA:

Whereas, it has been made to appear to me, J. V. C. Smith, Mayor of Boston, that there is threatened a tumult, riot and mob or a body of men, acting together with force with intent to offer violence to persons and property and by force and violence, to break and resist the laws of this Commonwealth, and that military force is necessary to aid the civil authorities in suppressing the same . . .

Now therefore I command you, that you cause two companies of Artillery, armed and equipped and with ammunition as the law directs, and with proper officers attached, to report to the City Hall and there to obey such orders as may be given them according to law. Hereof fail not at your peril and have you there then this warrant with your doing returned thereon.

Witness my hand and seal of the City of Boston, this 26th day of May 1854 . . .

The Mayor signed it and handed it up to Ben with a rather shame-faced air. Ben knew, as he read it quickly through, that the Mayor was embarrassed by his legal ignorance.

— Why, he asked diplomatically, — don't you put your M.D. after your name, Doctor? We professional men must not play down our achievements, even if we do stoop to politics now and then.

— You're the M.D., Hallett, said the Mayor, smiling falsely. — A Master of Documents.

— It's my only vice, answered Ben with a wide grin.

THE SIXTH WAVE

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THE SHOT fired by Martin Stowell on the Courthouse steps wasn't heard around the world but it reverberated heavily in Louisburg Square, giving Ben Hallett a sleepless night. It kept Mayor Smith in harness and tossing restlessly on a sofa in his office.

But it rang loudest in the ears of the Worcester men bivouacked in a loft on State Street, and was especially stimulating to little Thomas Drew, the sentient editor of the *Worcester Spy* and now the leader of the western delegation since Stowell's incarceration. And when he stepped out onto State Street and read the morning papers, he knew he had a job to do quickly, without taking the time to bring copies up to the loft or to acquaint the others with the progress of the battle.

Drew had the good sense to apply to Judge Russell for a note to see Martin Stowell, now brought to the cells beneath the Courthouse with the other arrested men for his examination that afternoon.

The note was effective enough to get him a talk with Martin in the privacy of a cell, with the jailer indifferently out of earshot. This was fortunate because Drew always talked very loudly and intensely, forming his words with such vehemence that he spit in the faces of his listeners; they constantly had to turn away from him and even take a backward step to get out of the shower, and that made him talk more loudly than ever.

— You blew his bloody guts out, Martin, he crowed. — We've drawn first blood. He's as dead as a mackerel. It's in all the papers!

Stowell stared at him in amazement. — What are you talking about? I didn't shoot anybody's gut or anybody's head!

— You fired off one shot, didn't you? asked Drew.

— I fired once, into the air. I caught sight of them beating Mr. Higginson with their sabers and I shot once, without drawing a bead. I have no recollection of hitting anyone.

— God guided the missile, Martin, said Drew.

Martin was not in a thankful mood. He got up from the rough cot and took a turn around the narrow cell in uneasy alarm. — Drew, you must do something for me right away. Go over to the Williams Court Lockup and see if you can find my pistol.

— It's my pistol, as a matter of fact, Martin. I should like it as a trophy. I bought it from Deacon Goddard. His son Luther loaded it for me.

— They didn't search me after the arrest, said Martin anxiously, — and I hid it under my mattress. If you don't get it at once, I shall be hung.

— Don't worry. Don't worry. There isn't a jury in the land that would convict you.

— Please, Mr. Drew. I beg of you. Get the gun.

Drew called the guard over to open the door, patted Martin on the back and left for the Williams Court Lockup. On the way over, he met a Boston police reporter named Hanscome, who was known to him as sympathetic to the anti-slavery forces. Hanscome bribed the guard at the lockup with a two-dollar note to join him in a glass of ale at the nearby Bell in Hand. This allowed Drew to search the cell occupied by Stowell. Under the mattress he found the pistol, with one incriminating empty chamber. He deposited it in the shop of a friendly tailor close by and went back to discuss the plan of action with the boys in the loft.

\* \* \* \* \*

When Ben got to the Courthouse, the Marshal's door was locked again and he was admitted by the coroner. He went immediately into the inner office to join Marshal Freeman. He caught a glimpse of the naked body of Batchelder laid out on a table with a doctor bending over it.

Nick Queeny was sitting with Watson Freeman. Ben greeted him without warmth. — Where were you last night?

— I was at the meeting, said Nick defensively. — You told me to go.

— Why didn't you come back and give me a report? That's why you were sent there, said Ben.

— Well, I was there for quite a while. I thought I'd stay there and try to stop some of the people from coming to the Courthouse.

— Don't you ever do or say what you're told to, Queeny? asked Ben.

— I was very anxious last night to have a complete report on what was said there last night. It's possible some very important arrests could have been made if I had had the right evidence.

— I had to work on the report, Queeny said. — It was hard to get it just right. I worked all night on it.

— I'm sure they haven't got the full report in the papers. I know Parker

must have given some signal to go to the Courthouse. I must know every word he uttered there last night.

— My report was in the paper, sir, said Nick sheepishly. — It was in the form of a poem.

Ben gave him a long volcanic look and held out his hand. Nick placed a folded newspaper in it. Ben began to read it aloud with heavy sarcasm.

Watson thought it was very good and said so. Nick watched Ben with alarm. He had known in the back of his head while he was writing it that it was a mistake, but he thought it would show Hallett that he was different from the ruck: more talented and discerning. Ben threw down the paper and went to the door and pushed it open. Nick got up slowly, knowing that this was the end. But something interrupted Ben before he gave the word of banishment. The cloth was back over the corpse, the doctor had packed his bag and was ready to leave.

— Doctor. Dr. Stedman, called Ben softly.

The doctor ignored him and walked out through the outer door, but the coroner turned around and looked at Ben blandly, chewing on a match.

— Come in. Come in, Coroner, said Ben invitingly. — I want to have a talk with you.

The coroner came slowly and placidly into Ben's office and sat down.

— What did you discover, Coroner? asked Ben respectfully.

— I've got to give my report to the Mayor, Ben. I can't say anything official to you.

— As a personal favor, Coroner. After all, Watson and I are pretty much involved in this. We have to make a report to Washington city.

— Stab wound, said the coroner without taking the match out of his mouth, — in the groin. Went in about six or seven inches.

— No. No, said Ben. — That's not true. He came over to the coroner in alarm. — It was a pistol shot. It blew his bowels out. Everybody knows that. It was in all the papers.

The coroner waved his head back and forth in an irritating way. — Just a stab wound. Few abrasions of the head.

Ben lost his temper. — What are you trying to do, Coroner, fix it for somebody? I know where you stand. You have certain leanings and the doctor is an out-and-out Garrisonian traitor.

— I'm the coroner, and I say it's a stab wound. You might get the jury to change that, but I doubt it.

— He said he was stabbed, said Watson suddenly. — I heard him say he was stabbed.



— You stay out of this, you fool, shouted Ben. — If the man was stabbed he was stabbed by one of your men and then you'll get it, Watson.

The coroner's big, yellow teeth were bared happily. — We think we know what happened. They were all drunk in the guard and someone had a grudge against this fellow and saw a chance to get even. The coroner went to the door. — You're a great man to cut to fit, Hallett. But this cut won't fit the way you want it to, so forget it.

Ben pulled himself together, kept down his temper and began to bargain. — Now wait a minute, Coroner. We're all in a dreadful situation here. We can't snap fingers over this. There are too many people involved. If the man was stabbed, how did he throw so much blood? It spurted all over the hallway. The Marshal had some on his trousers.

— Ben, pleaded Watson, — keep me out of this.

— Femoral artery. The weapon pierced the artery and the blood gushed out. That's why he died so quick.

— I don't believe it, said Ben doggedly. — I'll be damned if I will! Make a proper post-mortem on that carcass and you'll find a lead ball in there. I saw the hole. It was a round hole no bigger than my little finger. I've seen many a knife wound in my day but never one that left a round hole.

— It could have been made by a round knife, or a rat-tail file.

Watson gave an excited start, looking up at Ben in panic.

— Any of your men carry a round file for a weapon, Marshal? said the coroner.

— I'm going to demand an autopsy. You're not going to get away with this, said Ben.

— Wait, Ben, said the Marshal. — Let's not go too fast on this. If there's no bullet in there, it'll come back on my posse. We can't afford that now, not with their records.

— Are you asking me to connive in concealing evidence? roared Ben.

— Whoa there! said the coroner, putting his hands over his ears. — We'll have an autopsy. But if there's no bullet in the man the nine men being held for this murder will be let go and your name will be mud, Ben Hallett, and I wouldn't be surprised if a warrant is taken out against the Marshal here.

Watson's eyes narrowed in a spasm of fear. — For God's sake, Ben, let's let well enough alone! Let's bury the man and forget about it. We're in enough trouble.

Ben thought for a moment and then said, — I'll make a bargain with you, Coroner. I know where you stand politically but we'll say no more

about that or about your friend Dr. Stedman. If you are allowed to bury the man without an autopsy, will you agree not to let your report be made public until the fugitive is sent back?

— Why? I don't have to make any bargains, you know.

— I'm not so sure of that, Coroner. But I'll let it pass for now, said Ben. — Watson has seen the police reports and we know who the men are that are going to be charged with murder. None of them are of any importance but if we can keep them in jail a few days it might wet-blanket a few more with wild ideas.

— That's all right with me, said the coroner, shrugging with indifference. He walked slowly out into the corridor and spoke to some men standing with a stretcher at their feet. — Bury the man, he said.

— Who did it, Watson? hissed Ben, turning on his colleague with fury. — I'm not angry at you but I must know who did it.

— I don't know, Ben, said Watson helplessly. — They all carry knives. I wouldn't trust any one of them. Augerhole was standing right in back of me. He might have done it.

Ben squeezed his plump lower lip between his thumb and finger until his mouth looked like an overripe tomato. — I wish I were sure about that bullet. It was fired off, and the man died right after. It's perfect. Even if you were the coroner I'd question that kind of a verdict. . . . a round knife! And now I have to take it from that coroner and that doctor. They're both thick as thieves with the aldermen, and Parker, and the rest of that crew. And they're bluffing. I know it.

— Let well enough alone, said Watson in alarm. — That bullet hit the wall just over my head.

— Too bad it didn't hit *you*, growled Ben.

— That's what Parker said, answered Watson. — Augerhole did it; he carried a file like that. Let it alone.

— Close the door, Watson, said Ben. — Don't tell the whole Courthouse. His eyes fell on Nick Queeny. — It looks like you're going to stay on the payroll a little longer.

When Watson went to close the door he saw the coroner talking to the Chief of Police and the Mayor. He called to Ben: — Hey!

— Close the door, for God's sake.

— It's the Chief of Police and the Mayor, said Watson, coming back into the room. — What if the coroner tells them that the man was murdered by one of my posse?

— Tell them to come in, I sent for them. Ben pushed Watson into a chair. — Now calm down, Watson. If you go on any more like this I'll

plant a rat-tail on you. You should have one to go with that brain of yours. Ben went over to the desk and sat carefully in his big chair. He started to stoop for the paper he had thrown to the floor, but couldn't reach it. Nick got it for him. Ben gave Watson part of the paper. — Stay behind it, he said, — and don't open your mouth. Let them do all the talking.

The Mayor and the Chief came into the office without ceremony.

The Chief began the conversation. — We're holding some men for a hearing this afternoon. Do you want their names?

— Any known Abolitionists among them?

— There are three Negroes.

— Any Abolitionists, Mr. Taylor? Any of the men who started the riot: the men who spoke at the meeting or stirred up the crowd outside?

— Not that we know of, sir.

Ben gave him a disgusted look. — What are you holding them for, breaking windows? I suppose they'll be asked to pay the cost and then be released.

— They'll be charged with murder.

Ben gave Watson a triumphant look as the Marshal peeped in relief from behind the newspaper. His bluff had worked. The coroner had gone along with him. Ben paused to review his position. He had a little time now until the coroner's jury met and made the findings official. He studied Chief Taylor a moment. He saw ambition in the man's youthful aggressiveness, his neat black hair springing up from a widow's peak, his square shoulders and his bold, curving, resolute nose. Ben got up from his chair, swinging his arms together, like a small boy. Ben could seem young when he wanted to, roguish and wheedling, with his cowlick hanging down and his bland moonface shining. He walked over to the Chief with small, young steps as if he were a new boy in the neighborhood and he wanted to make friends with him and invite him into the gang. He hooked his thumbs in his trouser pockets and gave the Chief a wide grin.

— I don't know why we're fighting, Chief, he said. — I ain't mad at you and I guess you ain't mad at me. Although you should be: I underestimated you badly. I thought you sent your men out into the square to arrest all comers for breaking windows and such, but now I see that you have some real culprits and that you realize that there is a murderer among them.

The Chief smiled slightly. Ben turned his back on him, passing his hand over his face in apparent weariness but really so as to wink at the open-mouthed Watson underneath it. He went on talking to the Chief in a gentle, self-deprecating tone.

— The Mayor's mad at me because I made him call out an Irish Company, but I admit I was wrong and I know how to correct it. We can't always do the right thing under stress. But if we can get an understanding between us now, it will be worth all our trouble.

The Mayor was unimpressed by Ben's change of mood. — How are we going to correct this? he said, waving a broadside against the Irish.

— Arrest an Irishman on the other side, said Ben.

— I suppose you're referring to poor Johnny Cluer, said the Mayor acidly.

— Yes, I am. He was shooting his mouth off outside the Courthouse last night. I could hear him halfway across the street. Now, if a weapon could be found on him, an old file or something . . .

— He's got a bad record, said the Chief, thoughtfully. — We've had him in several times.

— What's this about finding a file on him? That man was shot, wasn't he? said the Mayor suspiciously.

— Don't get excited, Mr. Mayor, said Ben. — They had various weapons. Now, gentlemen, I'm going to lay my cards right on the table. I'd like to work with you on this thing but I don't have to. Two hours after the incident last night, I had the Courthouse defended by a troop of Marines. I'm getting more troops from the Navy Yard today. I don't need you, but you need me.

Ben paused to let this sink in. He went on boldly. — I feel obliged to meet this situation with all the brute force at my command. They use it. But we've got more of the same.

The Mayor started to interrupt: — But the people don't want . . .

Ben broke in. — The aldermen are always talking about the people, but they're really only jealous that they'll lose their power and a few votes. This is no time for us to be divided, Mr. Mayor. This little group of fanatics won't be satisfied until they've driven a wedge between the two sections of our country and destroyed it. Up to now, they've hidden behind speech-making and the Bill of Rights and all that nonsense. But this time we've caught them redhanded in an overt act . . . levying war, you might say. But we're letting them slip through our hands while we fight amongst ourselves! We could stop all this trouble, all this agitation of a question that can only end in a civil war, by silencing three or four men. Three or four men!

He held up his fat starfish hand with the thumb against the palm and the fingers out stiff.

— Two are seriously involved in this affair. Why don't we take advan-

tage of this opportunity that's like a gift from God, and stop their lying mouths for good and all?

Ben could see the Chief falling under his spell. The Mayor was resisting. Ben turned full strength on the Chief.

— You, Chief, are a young man at the bottom of the ladder. You don't want to be a police officer all your life. Everything you do to help the administration in this affair will be remembered and rewarded, I promise you. Why do you resist me and the actions taken by this office? Why?

— I'll answer that, said the Mayor. — Because he takes orders from me and from the Board of Aldermen.

Ben turned to the Mayor, taking him by the lapels. He was gaining ground and he knew it. — Stop being a prisoner of the aldermen, Mayor. Don't fight everybody at once! You don't have to be the whole team and the dog under the wagon, just because of them. Put the city under martial law. I'll arrange the papers, and all you'll have to do is sign them. It won't cost you a cent. Washington will pay all the bills.

The Mayor was wavering. He was almost ready to drop the load. He looked at Chief Taylor. He liked him and didn't want to stand in his way.

— What about the police, said Taylor. — What will they have to do?

— Nothing, chortled Ben; — that's the beauty of it. They can keep their hands clean. General Edmands will be in complete charge.

The Mayor felt a vexing burden ease off his back. — All right, Hallett, he said, — if you can get me an authorization from Washington to pay the bills, I'll sign anything you like.

Ben whirled happily around. — Go down to the telegraph office, Mr. Queeny, and see if the President's message has arrived.

After Queeny left Ben said: — There's a most intelligent young man. I am thinking seriously of adding him to our staff here. He was present at the meeting last night; as a disinterested observer, of course . . . Ben winked broadly after this. — He wrote his report in the form of a little poem. It's in the vernacular, but extremely penetrating. I'd like to read it to you gentlemen, to prove how obvious the intent and purpose of that meeting was, even to a disinterested observer.

The Parson sez, 'tis no use fightin'  
Yet led them on like bar-greased lightnin'.  
I warn ye, strike not . . . (after ten . . .  
'Cause then the spot's a lion's den,  
Prowled by wild, bloodthirsty troops  
A'growlin' on the Courthouse stoops.)

Ye'll never make that door a flinder.  
(Unless you git a great big timber.)  
Don't figger mobbin' Burns's master.  
(He reined 'em in to whip 'em faster.)  
'Tis in Revere House that he's bedded.  
(Go on, ye fools, go it bald-headed!)  
And if some take to pavin' stones,  
A coat of tar will save his bones.

You littul rogue, you seen up high  
A hornet's nest when you skipped by.  
You throwed a stone and turned your back  
And drew on us the stingin' pack.  
And toddled home and prayed to bed.  
And scorned the man your prank left dead!

— There, gentlemen, is the whole thing as it looks to the citizens of Boston this morning. Now what are we going to do about it?

\* \* \* \* \*

Time and forces Ben Hallett grabbed with greedy hands. But Parker didn't reach out for things like that. He was a farmer's son and he let the fruit ripen on the tree. If a tool broke he laid it aside to fix later, and took the next-best thing to hand. The next-best thing was the law now, and Richard Dana was the sharpest blade.

He and Charles Ellis walked into Dana's office that morning to escort him to the Courthouse. — We've come to try the law now, he told Dana. Dana didn't catch the meaning of the remark: he had come in from Cambridge in the carriage of a friend and had not seen the garrisoned Courthouse or heard the details of the attack.

When the three came to the edge of Court Square and saw the baleful throng standing in the hard morning light, Dana stopped short in horror. The Marines were drawn up in full array before the Courthouse, with fixed bayonets. The troops from the Harbor forts were being relieved by a garrison from the Navy Yard. Dana began to force his way through the crowds; they resisted him at first, but when they saw Parker with him, they drew apart like the Red Sea waters to let the three go past.

Dana became aware of the absorption of the onlookers in his party, and glanced suspiciously at Parker. Parker's face was calm until they got directly in front of the granite steps of the Courthouse. There was a black ambulance there, and the Marines were marking out a lane from it to the Courthouse door. Parker stopped and held Dana by the sleeve.



— An accident? Why are these troops here in the City Courthouse? said Dana.

Ellis and Parker stood silently. Dana turned to a man next to him and asked the same question. The man moved nervously away without a word. Parker bought a newspaper from a boy standing near them and handed it to Dana. The story of the attack took up the entire second page.

As Dana read, a sigh of excitement went up from the crowd. A stretcher with the covered body of Batchelder was carried down the steps and fitted into the ambulance. Parker could have reached out and touched it.

Dana looked at it and then at Parker. The concluding words of the lurid newspaper gave him a bad feeling: an impulse to walk away from the whole thing and go back to his garden in Cambridge and dig in the uncomplicated earth:

Let us see where rests the responsibility before God and man for this murder. It is not the person who in a moment of excitement killed James Batchelder who is responsible for this deed, but it is the men who artfully inflamed his passions and then left him to their uncontrolled exercise. It is they alone who are guilty and who must answer for the deed. The law may not be able to reach them, but public opinion will; and their own consciences, when they find time to listen to them, will say to each and every one of them, when the question is asked, who is guilty of the murder . . . thou art the man!

Dana looked around at the people. They were watching the ambulance roll away. A few looked at Parker but they had no meaning on their faces.

Dana swung his back abruptly to the Courthouse. — Is there any truth in this? he asked.

— There was an attack on the Courthouse, answered Parker. He kept his head down. He was afraid to see total rejection on Dana's face.

— Were you there?

— It was all over when I arrived. I knew about it beforehand.

— Did you do anything to prevent it?

— Well, said Parker, with a half-smile, — that's a moot point.

Dana stood indecisively. Parker could see him wavering. He wished Phillips was there to stiffen Dana's backbone.

— I'll tell you the whole thing, Dana, said Parker. — We're not ashamed. Tom Higginson led the attack. They haven't arrested him yet. They don't know about him. We hope so, anyway . . .



— Higginson? questioned Dana in disbelief. — Why, his father was Bursar of the College!

— An old family.

— Yes, yes, said Dana. — I knew of his ardor and courage, but I hardly expected a married man, a clergyman and a man of education, to get mixed up in this thing.

Dana turned to the Courthouse again. — Well, shall we go in?

As Parker followed him he took off his hat to wipe the sweat off his brow, shaking his head with relief at Charles Ellis.

The guards were turning people away right and left, but Parker walked boldly up the stairs ahead of the two lawyers. A young soldier, a lad of sixteen, held his musket to one side to block Parker. Parker struck it upwards and out of his way with a wave of his arm. The lad turned around for his corporal, who took pains to be looking the other way. Ellis got in with Parker's backwash but the musket dropped again at Dana's chest.

Dana asked by what right he was barred from a Massachusetts courtroom and refused to identify himself. He made a real issue of it, and it took the intercession of Peter Dunbar, a truckman deputy who was in charge of the door, to get him admitted. Parker looked up and smiled as he took his seat beside him many minutes later.

The courtroom was now bristling with guards. Tony sat on the prisoner's bench like an afterthought. The battle now seemed to hang on control of the Courthouse. Parker wondered if he had made any attempt to get clear during the attack. He hadn't, but had been placed between the two windows for fear of flying bullets, while the guards had turned off the lights and thrown themselves to the floor.

The legal business at this point was routine. Charles Ellis stated the main theme of the defense: difficulty of obtaining access to the prisoner and securing him a proper defense. He asked for delay and continuance.

Mr. Kerr's line was to minimize the hearing: that it was not to decide the question of a man's freedom, but to speed procedure so that the man could be sent to a place where his status could be decided according to the laws that are presumed to exist there. He asked for a speedy disposition of the case to quiet the public unrest.

The court was here interrupted by a messenger who asked the Marshal and Mr. Hallett to step down to their office and assist Colonel Suttle who had been arrested on his way to the courtroom. Ben got up angrily and he and Watson Freeman went out.

Counsel Thomas suddenly became aware of something nobody else had appeared to notice. Parker was brazenly sitting within the bar, where only

lawyers were allowed. He got to his feet, framed a vigorous protest, and then thought better of it. It was unwise at this time to insist on the formality of a regular trial and it would only help the case of the slave.

— Your Honor, he said, — the only reason the opposing counsel wish to delay this procedure is that they have no case. They are in for political capital and they intend to make this trial an extension of the dreadful deeds of last night. The court has seen what occurred here and if certain gentlemen can lay their heads on their pillows and say that the blood of the murdered man is not upon them, I should be glad to hear it. I hope that the opposing counsel is not of the number of these men. The claim my client makes is a simple one, no more than a promissory note. There should not be any opposition if the note is proved. It lies before you in the affidavit of the Virginia Court.

He turned and looked at Parker. — There are some here that may not like this law but it is nevertheless the law. To continue this case would be to invite further disorders. I submit, your Honor, that it is no less treason to defeat the operation of this law than it would be to go to the other end of this courthouse and rescue a man convicted of murder. I see no argument for continuance, your Honor, that is not against the law rather than its application to this set of facts before you.

Parker was too busy looking around himself to notice the special attention of the counsel. He was preparing another leaflet for Garrison to print and the winds to spread. He scrawled:

MURDERERS, THIEVES AND BLACKLEGS EMPLOYED BY  
MARSHAL FREEMAN! ! !

Marshal Freeman has been able to stoop low enough to insult even the United States Marines, by employing Murderers, Prize-fighters, Thieves, Three-card Monte men and Gambling-House Keepers to aid him in the rendition of Burns, and has such little confidence in the courage of his Deputies that he has engaged the services of Louis Varelli who was charged with murdering his mistress by throwing her over a bridge and who now keeps a brothel in the city . . .

He paused a moment in his writing and looked over at Louis Varelli, a squat, jolly, greasy-looking man who sat in the jury box picking his breakfast out of his teeth with a large folding knife. Louis smiled genially back at him. Parker looked at the man next to him, a sleek-haired, frock-coated swell.

. . . Of Doyle and his Brother, two Three-card Monte robbers, of Carey, known to the police as Thievy, who is kept by a prostitute and escaped from the Leverett Street Gaol about two years since, where he was incarcerated for robbery; of Kelly and his brother who are engaged in keeping gambling saloons and houses of prostitution and of fifty other similar characters known as villains in the criminal records of Massachusetts . . .

Counsel Thomas, noting the urgent and persistent writing of Parker, concluded that his words were being taken down and began to bring his plea to a close. He slowed down his pace a little, forming his sentences with all the polish at his command.

But Parker wasn't even listening.

These are the characters [he wrote] with whom the officers of the U. S. Marines are called upon to act. Let the people mark them. They are in the Courthouse. They are petted by Hunker Democrats. They are supplied with money and rum by the United States, by order of Marshal Freeman. Such scoundrels, men of Massachusetts, are employed to trample upon our laws, and insult you, and are supplied with arms and ammunition to shoot you down if you dare to assert your just rights. Will you submit quietly to such insults!

Ben and the Marshal came back into the Courtroom. Ben tapped Counsel Kerr on the shoulder. — You'd better go and see Suttle. He's in the other courtroom.

— What's the trouble? asked Kerr.

— Lewis Hayden swore out a warrant for kidnaping against him.

— What shall I do? I don't think I ought to leave here.

— Go down and talk to him, Ben said. — It's all right now. My son Henry put up bail for him and Brent. Bail was five thousand apiece. The Colonel needs someone to talk to. He's showing the white feather.

Kerr went out as quietly as he could. When the lawyer got to the other courtroom, the Colonel's case had been disposed of and he had gone to the Marshal's office. Kerr looked at the record. They had been involved in action of tort for the recovery of ten thousand dollars' damage for conspiring to have one Anthony Burns kidnaped as a slave and carried to Virginia.

Kerr flinched a bit on reading it. It could have been just as well brought against himself. He certainly was conspiring to send the man back. He could see the word *kidnapers* in Parker's eyes every time he looked at him. He went to the Marshal's office.

The Colonel was sitting well away from the window. He greeted Kerr coldly and said he would be damned if he was going in any more court-rooms that day. Kerr told him that he wouldn't be required upstairs. The Colonel ranted on a bit about the brutality of the Boston people, calling them conversely cowards and beasts of prey. He was especially bitter about the Mayor's refusal to get him a bodyguard and said he was hiring one out of his own pocket.

Kerr was troubled by a thought that he could resist no longer and had to bring it out point-blank.

— Why don't you sell Burns, Colonel?

— By God, I reckon I might, if I could get the right price for him.

— What is he worth, Colonel?

— Not a hell of a lot, right now, son. He's a runaway and he's got that bad hand. I'd be lucky if I could git back my expenses on him. I've spent nearly three hundred dollars now and he ain't worth more than four.

— I could get you twelve hundred, Colonel, if you gave permission.

The Colonel peeked apprehensively out of the window. The crowd had begun to surge a little and the chatter had stopped. Then they could hear the tired voice of the Mayor addressing the crowd, telling them to go home, begging, pleading and in the end threatening. And at the end, the chatter started up again, and there were thunderous boos and a boiling movement, and they caught sight of policemen shoving at tight knots of hecklers and they saw two men being arrested and carried off to the Watchhouse.

— Damn it, you've got a sale, said the Colonel. Kerr ran up to the courtroom before he changed his mind. But he didn't say a word about it to Ben Hallett.

Richard Dana was now pleading for Burns. He made the point that Ellis hadn't even talked to the prisoner and that he had had a very brief interview. He threw scorn on the argument that the quick rendition would stop the violence from spreading, saying that it was an argument that should be addressed to no court, for it was a confession of weakness . . . that the law and the court were weak and therefore the man must suffer. And in doing so, he managed to bring a graceful compliment to the Judge, saying he was happy to bear witness that the court had called the prisoner up, perceiving that he was intimidated, and had counseled him in a parental manner, advising him of his legal rights.

He then went after Kerr's argument that the thing would be better settled in Virginia by saying that once the certificate was granted that he

would never be able to go before another tribunal. He said that Burns's whole attitude of reluctance to protest and his underlying fear was caused by the threat that he would be sent to Louisiana, to the malarial swamps, to die.

— The claimant might send him where he pleased, and your Honor, regardless of the humanity of this court, could not prevent it. And still the man could say and honestly too, that he was not permitted to have a defense. I submit, your Honor, that this man, if remanded, will be sold at the first slave market touched upon his return.

Mr. Kerr got timidly to his feet, and, not daring to look at Ben or Senior Counsel Thomas, said: — Your Honor, I must take exception to the last remark of the opposing Counsel. I have just been informed that Colonel Suttle is willing to sell the man here in Boston if his price is met.

For once, Theodore Parker and Benjamin Hallett shared a common pang of rage and disgust. The Judge was pleased. His light voice shook with hauteur as he implied that the suggestion . . . that his desire to do justice would be affected by the excitement in the community . . . was downright insulting. He therefore granted delay until Monday morning at eleven o'clock. He left the courtroom with a covert glance at Ben Hallett, hooding the light in his pale eyes that came at the sight of Ben's ill-suppressed rage.

Parker, Dana and Ellis, after shaking hands with Tony, walked quickly out. Kerr, peeking out of the corner of his eye, could see Ben growling at Watson Freeman. Counsel Thomas came over to Kerr. — Never mind what Hallett says. I'm glad this happened.

— Well, Ben, said Watson, his fishlike eyes retreating deeper behind his cold and convex brow, — this may be all for the best. After all, we haven't heard a word from the President.

— Sleeping off a drunk, no doubt, said Ben. — Oh, I could wring that Colonel's neck. I had an idea that something like this would happen after that damned arrest. I'm going down to the telegraph office. He walked off, turning his shoulder rudely on the Colonel's lawyers.

Mr. Grimes had managed to get into the courtroom. He came to Lawyer Kerr quietly and hesitantly, and asked him if it were true that Suttle was willing to sell his boy.

— Yes. But it must take place after the rendition, or at least after the certificate has been given, and it must be for twelve hundred dollars.

— After the certificate? But then it will be hard to raise the money. I intend to try and raise it in any case, said Grimes. — But if it could be done today, and the man taken out of the city, many people would con-

tribute to keep the peace regardless of their feelings on the slavery question.

— He's got a point there, boomed Counsel Thomas. — Let us have a talk with Colonel Suttle, Mr. Kerr, and ask him if he'd consent to a sale today for the sake of keeping the peace. After all, the principle will be established right enough. If the citizens of Boston pay him twelve hundred dollars for the man, they can't be disputing his right to him.

They left with instructions for Mr. Grimes to meet them in the corridor and after a while they were back with good news, interrupting him in the midst of a fervent prayer.

— God bless you, said Mr. Grimes. — Between this time and ten o'clock tonight, I'll have the money ready for you.

He turned away quickly for fear that they'd change their minds. Mr. Kerr caught up with him at the door. — There's a name on this paper of a man I want you to visit, he said, furtively handing him a folded paper. — He's always been on the other side of the fence. I think now he wants to redeem himself.

Mr. Grimes thanked the lawyer effusively, and they parted with hearts warmed to each other. But it took several hours for him to find the man, and when he did he found that Ben Hallett had been there before him and he could get nothing from him.

So Mr. Grimes trudged through the streets. He waited by many a door for nothing and took many a rebuff but here and there he got a dollar too. He finally met a broker named Hamilton Willis in an office on State Street and got a list of people who were really good for a sizable contribution. Mr. Willis said that his approach was too direct and prepared a paper which read:

We the undersigned agree to pay to Anthony Burns, on order, the sum set aside against our names, for the purpose of enabling him to obtain his freedom from the United States Government, in the hands of whose officers he is now held as a slave. This paper will be presented by Rev. L. A. Grimes, pastor of the Twelfth Baptist Church.

With this paper, which said everything but admitted nothing, Mr. Grimes was able to get pledges of six hundred and sixty-five dollars.

\* \* \* \* \*

At the other end of the Courthouse was the Police Court. At two o'clock, the rioters were brought up from the cells in the basement to face Judge Rogers on the charges brought against them.



Their entrance, handcuffed together and blinking in the light, brought a crowd to the courtroom. Two nightwalkers standing before the judge's bench were dismissed with charges filed and all attention was directed to the men who had smashed at the Courthouse.

The procedure for administering justice to a citizen was directly opposite to that of the Slave Bill. Instead of legal haste, there was legal delay. It unrolled like a long drama, in many settings. First, the accused must be brought up in the lower court and the evidence presented by the police officer assigned to prosecute. The judge then decided if the accused could be held for probable cause, and then the case was given to a grand jury. The grand jury considered the evidence and issued a true bill if there was a reasonable doubt of the innocence of the accused. The grand jury bill was tried in Superior Court, before a petty jury of the accused man's peers, drawn at random with the right of challenge from the voting lists of the county of jurisdiction. If Tony Burns had had the good fortune to kill a man, or had really stolen considerable silver from the jeweler's shop, he could have postponed his departure South for some time.

Luther Hamm, the assistant Chief of Police, made the charge against the men. Police Chief Taylor had ducked out of it. He wanted to keep clear of the aldermen in spite of the deal with Hallett.

The complaint was that the whole number of those held had, collectively and with malice aforethought, committed a felonious assault on the person of James Batchelder with firearms loaded with powder and ball, and that they did kill and murder the said Batchelder.

The charge came as a shock to most of the prisoners. It was the first time some had heard that a murder had been done. Even Stowell, the best informed of the prisoners, knew very little about what had happened. He had seen the papers that morning but they gave confused accounts. One paper said Batchelder had no children, others said two and three. One boasted that the widow had been informed of her loss by reading the *Boston Post*, hinting that the Marshal and the United States District Attorney had thought so little of their hireling that they had not even informed the widow before her grief became common gossip.

The Police Court was a clearinghouse for petty crime, and there was no set seating arrangement or aspect of pomp about it. The Judge copied down the charge and turned to Luther Hamm for his evidence.

— The Government is not prepared to enter on the case, said Hamm, —and we ask that the examination be postponed until Wednesday next.

Albert Browne, who had been caught throwing a stone, or rather about



to throw a stone, nudged his lawyer, Charles Davis of Plymouth, who had been engaged to defend him and the others by Browne's father.

— I pray your Honor's judgment, said Davis. — If the City has no case, I ask that these men be dismissed.

— They have a case, said the Judge, — but there is a delay until the coroner's jury hands down a verdict. This is a serious charge and I would not feel right in freeing these men pending such a finding. I feel obliged to continue the case at the City's request until Wednesday.

— Your Honor. I ask that the charge be amended to riot, so that these men may be let out on bail. Some of them were arrested before the alleged homicide took place and it is so recorded in the police records, sir. I suspect this procedure is being carried out for the pleasure of the United States Marshal.

Judge Rogers smiled. — It would not be fair to the men to plead to a charge of riot and then find that murder had been committed during the riot. That might place them in a very awkward position. I appreciate the Counsel's concern, but I feel that perhaps it would be better for the defendants to rest in a nice cool cell until this heat wave subsides.

He banged the gavel. — Case continued until Wednesday next.

As the men were brought out, Marshal Freeman looked them over. He could find no one there that looked like the tall man with the white face and flying hair who had faced him inside the door the night before. . . . A poor catch so far, he thought.

\* \* \* \*

On this sixth day, time was driving wedges almost hourly in the great crack that had opened up in the granite wall of Boston's defense against the irrepressible conflict. There was no number on the clock yet to which one could point and say: — Well, here all is quiet; this is a breathing spell, the fever is slackening here.

And after the rioters . . . their names and faces still obscure, their crimes still unconfirmed . . . had been returned to their cool cells, out of the heat of the day, there was another meeting of the Vigilance Committee.

Parker and Phillips were not there. Someone had, by accident or design, forgotten to inform them of the meeting. It is just as well they were not there for there was much unfavorable comment. Parker was scored for his intemperance. Phillips was mercilessly criticized. Some said that he was an avowed Nonresistant and didn't belong on the Committee. Austin Bearse, who had called the meeting, defended him but went on to offer his plan of rescue at sea by the sloop *Flirt*. This was rejected and the only

concrete thing that came out of the meeting was another leaflet, more genteel than Parker's.

It was handsomely titled with a reflection of the class ties of the signers:

*To the YEOMANRY OF NEW ENGLAND. Countrymen and Brothers:*

The Vigilance Committee of Boston informs you that the Mock Trial of the poor Fugitive Slave has been further postponed to Monday next at eleven o'clock A.M.

You are requested therefore, to come down and lend the moral weight of your presence and the aid of your counsel to the friends of Justice and Humanity in the city.

Come down then, sons of Puritans! For even if the poor victim is to be carried off by the brute force of arms and delivered over to Slavery, you should at least be present to witness the sacrifice, and you should follow him in sad procession with your tears and prayers and then go home and take such action as your manhood and your patriotism may suggest.

Come then, by the early trains on Monday, and rally in Court Square with courage and resolution in your hearts; but this time, only with such arms as God gave you.

It wasn't a bad leaflet, dignified and humane, but Parker's went better. He seemed to have a vein of coarseness in his nature that appealed to the more belligerent classes. Now take that one he wrote this morning in the Courthouse. It's pasted up in all the dens and barrooms on Ann Street. The one that begins **MURDERERS, THIEVES AND BLACKLEGS EMPLOYED BY MARSHAL FREEMAN ! ! !** Hardly the sort of thing to bring home where the children might see it.

\* \* \* \* \*

The arrest of John C. Cluer took place in front of the Courthouse while he was making a speech. He had been in the square since morning, passing from one group to another. He was a marked eccentric with a long white linen coat and carried a bundle of newspapers under his arm. His hair was long, streaked with gray, and from the brow to the crown it looked burned by the sun. It lay in sparse, heat-twisted and wiry curls like ashes over the hot, red glow of his sunburned scalp. His face was inflamed and divided by a strong thick nose which he kept pointed at his opponents with ramlike belligerence. He was a former actor, and spoke in a theatrical brogue which he had assumed to hide the fact that he was not Irish at all but an Englishman who had been shipped out of the Tight

Little Isle for his participation in the Chartist riots. This he could not take credit for in the circles wherein it was due, because he had left a wife behind and married another one in New York. More people knew about this than he thought, and it was generally overlooked by the strait-laced reformers with whom he collaborated. Being, as he was, a self-confessed labor leader, Socialist and violent exponent of the eight-hour day, they were relieved to know that the most he had committed was bigamy and drunkenness. He was booked on the charge of riotous procedure and put in a cell well away from the others. A few minutes after, he was taken back to the Police Court and there, with another man named Morrison, he was charged with the murder of James Batchelder.

— I am innocent, he shouted; then damned himself by adding with unconscious irony: — I was at the Faneuil Hall meeting last night.

\* \* \* \* \*

Mr. William C. Fay, an undertaker from Cork, had amassed enough business from his countrymen, with their fourteen-year life-span in the Boston slums, to have himself referred to as Esquire in the Democratic paper. He stood on the spot involuntarily vacated by Johnny Cluer, hotly arguing with two Yankee livery-stable operators from whom he rented his hacks.

— I tell you, there's no Irish in the man at all. And I'll quickly prove it in a series of points which would damn the man if his name was O'Toole. First and foremost, he has no faith at all. Not even a Protestant one and that's bad enough. Did you ever hear a true Irishman talk against Our Lord? No, you have no answer to that and there's other bits of proof such as the fact that he's an organizer for the trades-unions and ain't it the trades-union that's put up to prevent a man working for whomever and for whatever he likes? And most of all, he's fighting for the bloody nigger, and with Irish starving in the streets! If he was Irish, he'd be tickled to send him back and give a job to one of his own. Heavens, man, there's enough Irish waiting and praying and starving on the docks at Queens-town for a chance to work here without worrying about them black niggers.

The two Yankees had been getting a lot of sly amusement out of watching the expression of a stout Negro who had been listening to Fay, Esquire. But they put off quickly through the crowd when the Negro, without a word, swung his huge belly like a pendulum at Fay, knocking him to the ground. The Negro's face was passive and inscrutable as he bent over the breathless son of Cork. His big hands gripped Fay's coat and he dragged

him to his feet. Out of the corner of his eye he saw Officer Tarleton of the city police coming for him. Tarleton had his club out, but he swerved and stumbled, bouncing off one of the retreating bystanders, and before he recovered himself, the Negro had him tightly by the throat.

William C. Fay, Esquire, had been dropped again as the officer came up but he got no higher than his hands and knees until he had crawled beyond the line of the crowd. Once there and safely erect, he cleared a passage through for Officers Riley, Cheswell and Rogers, who lumbered up and began pulling at the Negro's arms. But the man hung on and they had to push him and Tarleton into the Courthouse before they got his hands off Tarleton's neck.

He was docile enough after he got into the police court, and gave his name as Wilson Hopewell. Around his waist they found a belt with a leather sheath, and in it a long Malayan knife called a creese, ten inches long, round and slender; on the end of it discoloration, like dried blood.

\* \* \* \* \*

Marshal Watson Freeman brought the news of the new arrests over to Ben's house with great satisfaction. Ben was napping in the back parlor with the shades drawn and a handkerchief over his face. He woke up as Watson was announced and received him with swollen eyelids, tousled hair and sagging, discouraged cheeks.

He listened stolidly to the Marshal's account of the arrest of Wilson Hopewell.

— What is he booked for? he asked.

— For murder with a knife.

— And the others are held for murder by firearms. That's no good. We can't tie this man with the knife up with the main body of rioters. It still fails to prove the connection between the murder and the meeting. As a matter of fact it weakens the tie we have already established. It's a dead end. Are you sure you didn't recognize anyone when the rioters were in court?

— No. They were all strangers. The newspapers haven't even printed their names. But we've got Johnny Cluer locked up.

Ben poured himself a glass of water from a pitcher on the table. Then, using the glass as a finger bowl, he lightly sprinkled his hot face. — We're running out of time. Too bad they picked up the man with the knife.

Watson looked at him with quick indignation. — But that clears my men! Why is it too bad?

— I doubt that, said Ben. — It clears the others for sure. Ben pulled his

crumpled shirttails out of his trousers; they flapped briefly in the quiet air like flags of truce. — I'm discouraged, Watson. Things were in excellent shape this morning and now we seem to be losing ground. I don't dare to push the Mayor into the martial law thing until I hear from the President. You're sure there's no word at all from Washington?

Watson shook his head.

— You know, said Ben with a heavy sigh, — I was just lying here and thinking it might be better if we drop the whole thing. Get out now and save what we've got.

Watson smiled with relief.

— If the man is bought that will solve the question. If this Wilson Hopewell . . . Well, there is a possibility he might be guilty. Watson, you tell the papers about the arrest of Hopewell. And inform them . . . Wait, I'll write it out for you.

He sat at a table and wrote:

The negotiations for the slave Burns were well-nigh consummated today and the proceedings carried so far as to leave no doubt. Burns will be bought and liberated tonight or at the close of the examination before the U. S. Commissioner. The sum of twelve hundred dollars was made up by colored persons. The Counsel of both sides, as also United States District Attorney Benjamin Franklin Hallett, have acquiesced in the arrangement.

— Shall I bring it to the *Post*? said Watson.

— No, answered Ben sleepily, — Colonel Green knows my handwriting. Take it to the *Courier*.

Ben went back to the couch and lowered himself onto it with grunts and groans. Watson said good-by and got a limp wave of the hand in return. Before he got out of the door he could hear Ben snoring.

When the special edition of the *Courier* came out with the story, it cleared away more of the mob in the square than all the pushing and arrests of Mayor Smith's police.

\* \* \* \* \*

So the event stopped on dead center, at five o'clock in the afternoon of the sixth day. The day, made up of many little pieces, had too many pieces and everybody got tired of it.

Tom Higginson was weary, sitting with his long legs jackknifed between some shielding barrels of fish in a wagon now drawing into

Worcester. It was the way he took to escape from Boston. He was advised not to stay there and not to go home on the train.

So, after spending the night at Dr. Channing's, he had been stowed away on a fishcart in the market and was now near the end of his part of the nightmare of struggle and flight.

The tired horses were walking slowly when he jumped off at the corner of his home street. He staggered a bit before he worked the deadness and the pins and needles out of his legs.

He walked thoughtfully up the shady street, composing an attitude with which to confront his family. He was the most immature and youngest of the radicals. He had yet to learn the trick they had of cutting their families off from their controversies with the world so that they could come back to a quiet house after crusading, rebuke their wives and spank their children without compromising ideals or having to put down rebellions based on their own preachments under their own vine and fig tree.

Should he reveal failure? Thomas Drew had gone back to Worcester on the noon train and probably, by now, had spread the news of the fiasco all over town. He could not really blame himself before his wife, his mother, and his young niece there on a visit. The defenders of the Court-house had failed to strike him down, hurt him or even pursue him enough to satisfy the tingling need for self-destruction that had gripped him as he flung himself against the door.

The attackers had failed him. None had followed him and he had been the only white man inside the door. All of the men of Worcester that he had rallied with such high purpose had stood in the street outside, gaping at the struggle, and worse still, had watched him at the end, shrinking so buglike against the wall, not being arrested or even taken notice of by the police.

Parker had failed him. The men had not come with a rush to support him with wave on wave of brute force. Parker had let him down and he had modeled his whole life on Parker's. His theology was the same, his sermons, his readings, his writings . . . everything but his arithmetic was as near to Parker's as he could make it. And his arithmetic would be the same too, if he ever got to be as much in demand as a lecturer as Parker was and made such pots of money.

He opened the door and went into the dim and fragrant little house, calling to his family. They had failed him too. There was nobody home.

He got some bread and cheese from the cupboard and went into the back yard. It was choking with deep shadowy clumps of bushes and vines spurting with fresh abundance from the showers of the day before. He



dawdled about, looking at some tomato plants he had set into a corner the previous tenant had used for a rubbish heap. He went to the lilac bush to sniff a moment or two. But the purple flowers had gone by and were tinged with rust and there was a faint smell of corruption there. He thought of Batchelder.

The newspapers had said that Batchelder had children: *The murdered man leaves a wife and an interesting family* . . . An interesting family. That was a sly dig, more effective than mere bathos. He was childless, like Parker and Phillips. Was it from this that he got his instinct for self-destruction? But Garrison had children and he was a selfless man; the most reckless of them all at times.

Wandering and munching around the yard, he began to feel oppressed by the thick, ropy green mass around him. He angrily brushed aside some tender branches that swept like his own hair across his brow and sat down on a rustic bench to think a little. What was the line to take on Batchelder? The man had been killed, perhaps under his leadership. Should he mourn him? Should he be regretful? Should he send flowers to his home or perhaps make an appearance there . . . throw himself on the mercy of the young widow . . . say a few words at the funeral in mitigation of the unexpected and unwanted fatality? What had Parker said? . . . Too bad it wasn't Watson Freeman! . . . Well, that summed it up, he thought.

He got up and walked out to the street to see if the womenfolk were coming but it was deserted. Back in the yard the green profuseness trembled and swayed, completely out of control. He had let it grow that way as an offering to freedom but now it was choking him—too much, too wild, too free. He threw open the bulkhead door and went down into the cellar and pulled the rusty sickle from out of the beam and came up and began to hack at the tall veined stems. They toppled with a murmur of surprise and some bees came to buzz in anger over their fall.

His angry slashing had hacked a hole almost into the next yard, and as he pulled the curve of the blade against the thick tubes of the inner shrubs, he was startled to hear a high thin sob coming from a spot just ahead of him. He stopped the sickle and pushed aside the brush.

There, in a hollowed-out spot, sitting on an old rag, was a little girl, keening over a broken doll.

— What's the troub', what's the troub'? he asked in his kindly, ministerial way.

She held up her doll and as he took it she said, — He's broken his legs and now he has to walk around on his drawers.



He looked gingerly under the dress (it was a lady doll) pulling back the drawers to see if repairs could be made.

— Oh, said the child hopefully, — one of them is growing out again, I saw it. She snatched the doll away from him and ran out into the sunlight. He threw down the sickle and went into the house.

When the women got home at last, he was sitting with upright composure in the parlor. He rose to greet them as they came in, keeping his finger at his place in the folded book, a perfect picture of calmness and restraint.

The women looked at him wearily and resentfully. His mother and wife were swathed in the bulbous, uncomfortable yards of white voile that women put on for outings and their faces were parched and red from a day in the sun.

He could tell at once from their expressions that they had some trivial tale of woe to relate that would completely rob any utterance he made at the time of all dramatic value. His wife went at once to a mirror and began daubing at her inflamed skin with a crumpled handkerchief. His mother looked angrily at the book in his hand, as if he were holding a snake.

— Wentworth, she said abruptly, — would you bring in the things from the cart? It's full of dishes and all sorts of things.

He looked out of the door and there on the sidewalk, decked with torn bits of colored paper, was a child's cart borrowed from a neighbor.

— I'm so disappointed in you, his mother said.

He turned to her in alarm, seeking for the words to begin the flow of explanation for the fiasco.

— Everybody was asking where you were. The children were heart-broken. It seems you had promised them all sorts of games and stories. As it was, the entire burden of the affair fell on Mary and me.

His wife, seeing the stunned expression on his face as he tried to wrench his mind away from the Courthouse steps, began to laugh.

— Oh, he probably forgot about it completely. You know how he can put unromantic chores out of his head. The May Party, dear; today was the May Party.

— But I was in Boston, Higginson said helplessly. — I couldn't get back.

— Well, said his mother, — your presence was missed. Mr. Drew and the others got back and I don't see why you couldn't. We had to drag the cart back and do all the picking up. The children deserted us en masse after they had had their lunch, the little wretches. That's what you get from your come-outer parents. No manners, no manners at all.

— But the affair in Boston. Didn't you hear about it?

— We had more important things to think about. Thanks to my absent-minded son.

— Look at his chin, laughed his niece Louisa. — Were you trying to shave and read a book at the same time again, Uncle Wentworth?

He put his hand quickly to his chin . . . his wound. It was covered with a small piece of tissue paper and when he pulled it off, it lay like a shrunken husk in his hand. It was small, it was piddling, but he went to his desk with dignity and placed the bloodstained scrap carefully away in an envelope.

Mary, his wife, could tell now something had happened. She knew the signs: the silence, the erectness of posture, the long-suffering expression, the faraway feeling that came out of him. She put her arm around his waist.

— Are you hungry, dear? Why don't you bring in the things in the cart? There's some nice ham left and a whole pie. It's Mrs. Nelson's apple pie. She made it for you and she wouldn't let anyone touch it all afternoon.

— No dear. I'm not hungry. I'm tired. I'm upset. I've been through a lot since last night.

— Well, said his mother, — let's plank ourselves down and hear it out. We'll never get that cart unloaded until Wentworth settles the current problems of the world.

— Please, Mother. You might very soon have more important things than May parties to manage. It's entirely possible during the next twenty-four hours that I shall be arrested and confined to prison.

Mary and his niece were properly shocked, but his mother took it without flinching.

— Humph, she said, — I suppose you were at that disgraceful meeting at Faneuil Hall.

— No, Mother. At the very moment the meeting was going on, I was standing outside the Boston Courthouse with a battering ram, preparing to break down the door and rescue the slave they had confined there.

— Thank the Lord for that, said his mother. — I read Mr. Parker's speech and I must say I can't see any reason for his language at all. Why does he persist in denouncing all and sundry that disagree with him and opening up old wounds? That kind of intemperance doesn't help things. People say that it's men like Mr. Parker that have kept respectable people from participating in this cause, worthy though it may be. Of course, I

know it's useless to speak disparagingly of him to you since he's your ideal but . . .

Higginson looked at his niece. Her eyes were shining with excitement.

— Oh Grandma, she said, — let him tell us about it. It's like the siege of Troy. And was the slave a girl, Uncle Wentworth . . . a Helen carved in jet?

— Louisa! said Madame Higginson. — I don't know where you young girls get your ideas nowadays. What possible difference would it make to my son if the Negro was male or female?

— Well, said Louisa, — Mr. Garrison said that the mulattoes weren't all the children of Abolitionists.

— What's that got to do with Wentworth?

— Oh, nothing to do with Wentworth, Grandma . . . I just meant that some were. Oh, I don't know . . . I just want to hear the story. She stopped, blushing and unstrung.

— That's the result of the Brook Farm type of education, Mary. I'm glad that experiment passed on to an unlamented grave.

— Well, said Higginson. — We were supposed to get some support from the meeting but it didn't come and some colored chaps and I broke down the door and got into the Courthouse, but we couldn't get up the stairs to where the man was confined.

— Oh dear, said Mary. — Wasn't it dangerous?

— Of course I was unarmed. Nobody but a door and myself got hurt.

— I thought a man got killed, said the old lady shrewdly.

— Well, yes, said Wentworth. — There was a man of the guard killed by his blundering companions.

— How terrible, said Mary. — Did he have any family, Wentworth?

— Yes. The paper said he left a wife and an interesting family.

— Interested in preserving slavery, said the old lady with a shrug.

Higginson smiled at her with a sudden rush of filial affection. This had been the point that he had been dreading. The rest would be easy.

Mary was the most upset among them. She began to walk around the room, twisting her handkerchief in her hands, trying to keep from breaking down. Madame Higginson got her purse and handed Mary the smelling salts.

— What is it all going to come to, Wentworth? Mary said in a tearful voice.

— It will probably come to what I said in the beginning. I shall be arrested for resisting the Fugitive Slave Law.

— Oh dear, Mary said, starting to cry and flinging down the smelling salts. — What will become of us? Surely you can't keep the church if you're in prison.

— If I am arrested I shall consider it the highest honor ever attained by a Higginson.

— Hear, hear, said the old lady, dryly.

— I can't understand you, Wentworth, wailed Mary. — You act as if it were some great privilege! You'll be confined like a common thief. Perhaps you'll be . . . She stopped as her tears overcame her, unable to finish the horrible supposition.

— Perhaps you'll be hanged, Uncle Wentworth, said Louisa, unconsciously smacking her lips. — You'll get blamed for the murder, I bet.

— *I bet*, mocked Madame Higginson. — Is that the proper language for a young lady . . . even the niece of a notorious criminal?

His latent hysteria, barely checked by a tremendous effort of the will for hours on end, began to break loose. It was tugged this way and that way by the women: one treating him as a naughty child, another as a penny-dreadful adventurer and the third as a thoughtless and irresponsible husband. His voice began to shake. It was high and unmanly. — I will use no deception. I will confess to breaking the Fugitive Slave Law. I have nothing to hide. I did not even strike a blow. I proudly went unarmed into danger, where armed men behind me shrunk from following. I felt that I could not arm myself conscientiously, but I could lead those who were less scrupulous in their means of protection . . . and then they did not follow.

His wife turned her back on him, shaking her head in anguish. His mother looked at her a moment and said tartly, — Cheer up, Mary. It will blow over. They're not going to hang him for such a boyish prank, such a wild impulse.

— It was not an impulse, Mother, he said, speaking slowly and fighting to keep his jaw from trembling. — It was a well-laid plan, involving a great many important people.

Madame Higginson sat back in her chair. She let out a long breath and looked from one to the other, wondering which line she should take now. Both needed her help. — I can see the day coming, she said in a placid voice, — when every jail will have a boardinghouse attached for anti-slavery wives.

— Will the jailer read your letters? said Mary, holding up her head.

— Not if he writes them in his usual handwriting, said young Louisa, taking her cue for mood from the grandmother.

He turned to look at his wife, picking nervously at the new scab on his chin, trying to get under control.

— Don't pick at it, Wentworth. It'll make it worse, said his mother. She got up and went to look closely at him. She reached up and took hold of his chin. He tried to turn away. — Hold still, she said. — You've got a mean-looking scratch there.

— It's a saber cut, he said angrily. — A man swung a saber over his head and took me on the chin.

Mary burst into sobs again.

— Well, it was a glancing blow, he said, more moderately. — It's all right now.

— Oh hush up, Mary, commanded his mother. — Stop sniveling. She gave Tom a soft pat with her hand on the other cheek. — So that's why you couldn't come to the picnic. Well, we're proud of you, son, jail or no jail. And if the Higginsons start growling I'll tell them my son's the best of the lot, and I'll mean it. Now come upstairs and let me put some court plaster on that scratch, that saber cut.

— No, Mother. I've got to be at a meeting at the Lyceum in a few minutes. I've got to give some kind of a report on what happened.

— Well, they haven't got to see what happened, have they? There's been blood enough in this thing. If there are so many people aroused and such prominent ones, why don't they buy the man and put an end to it? A dollar each from a thousand people could settle the whole thing. I'd gladly give my widow's mite and I'm sure the meeting tonight could raise three or four hundred dollars right here in Worcester.

— No, no, said Tom. — That would . . .

— You march upstairs, said Madame Higginson. — It's time someone with plain common sense took over the direction of this affair.

\* \* \* \* \*

Mr. Leonard Grimes, in his neat suit of rusty black, got into places where Parker's leaflets and even Parker himself could never go. He walked softly into the parlors of the rich, not taking a seat and not being asked to and not dropping his hat from his hand and not being asked to; armored in his humility. He went away empty-handed from some of the richest men in Boston but he was never turned away.

Some gave with the provision that the slave was to be taken out of the Courthouse that night, and that if the affair was prolonged and broke into the Sabbath, the pledge would be unredeemable. Mr. Grimes agreed and

was grateful. At seven o'clock he went back to the Marshal's office with pledges for eight hundred dollars.

Mr. Willis had agreed to meet him there and was pleased at the result of Mr. Grimes's quiet canvassing. He wrote out a check to cover the amount and they sat around a bit to wait for Junior Counsel Kerr who was to direct the closing of the sale. But Counsel Kerr sent a messenger to inform them that the meeting would have to be postponed until ten o'clock because he was trying to raise some money himself and was having very bad luck at it. Mr. Grimes marveled that Lawyer Kerr should put himself out to help the fugitive and expressed the thought that Lawyer Kerr was a very fine man. But the cynical broker, Hamilton Willis, opined that Kerr was probably worried about his fee.

The two gentlemen went out canvassing together, seeking out the solid men of the countinghouses and the pigeon-holes, trying to change the iron spine of State Street into flowing gold, trying to get flat green poultices to soothe the shameful red of the blistered epidermis of Boston town.

By eight-thirty, they were still far short of their quota and Mr. Grimes was beginning to wonder if it had been a mistake to go out this way with Hamilton Willis. There was a friendlier atmosphere at the houses and Mr. Grimes was almost accepted on equal terms. Hamilton's friends admired him for doing this fine democratic thing. And they thought even more of him when he gracefully declined offered refreshment, thus removing the awkwardness that might arise at having Mr. Grimes served by one of their Irish servants. It was splendid of Hamilton, really splendid, and showed his good upbringing. It was so much easier to say no to him, because he was one of their own and he knew of the constant demands made on their charity.

Mr. Grimes was now beginning to drop back a little as they walked from house to house, hoping that Hamilton would think him tired and excuse him. Then he could go out again on his own. But Hamilton would wait for him when he got noticeably in the rear and make some friendly remark about the heat of the evening and the fact that Mr. Grimes wasn't getting any younger.

Finally Hamilton sensed that the lagging and the patient, troubled, sidelong glances were caused by his contributing lack of success. He stopped for a moment and pulled a little notebook out of his pocket.

— Well, it looks, Mr. Grimes, as though I would have to make a call that I've been putting off until the last ditch. There's a certain family in this town that you'd know if I mentioned their name. They've been mixed up many times before in this slave business and always on the other



side. I'm going to call on them and put the question very simply. I have an idea I might be well rewarded for my audacity.

— Yes, Mr. Willis. If you think it's all right it will do no harm to try, said Mr. Grimes.

— Why don't you wait here, Mr. Grimes? I won't temporize with them. I'm sure I'll be back shortly and with a sizable contribution. He took the list and walked quickly down Summer Street. Mr. Grimes waited sadly, completely unnerved by the hearty, schoolboy, fair-play philanthropy of Mr. Hamilton Willis. His expression did not change when Hamilton came bouncing back ten minutes later.

— Look at this, said Hamilton, furtively showing him the paper.

— Look at those signatures for one hundred dollars apiece!

Mr. Grimes could not read the scribbling very well in the last dim glow of the twilight. Hamilton took the paper away from him and folded it with the care given a state document containing great secrets.

— Charles P. and Thomas B. Curtis, the stepbrothers of Judge Loring, he said. Mr. Grimes nodded his head in wonder over the complexities of the white man's world.

— Now . . . now . . . there's only one more call to make and the thing will be settled, said Willis, stuttering in his excitement. His round and pleasant face was shining with triumph and his slightly protuberant eyes blinked out his great satisfaction with this coup.

Mr. Grimes did not follow his implication, but he had a sense of foreboding. . . . Mr. Willis was about to attempt some trick; had found in his impetuous white man's way a substitute for the humble, unaffected soliciting of a certain amount of cash to be paid down without intrinsic significance for value received. . . . It never worked, thought Mr. Grimes, but they always tried it. Yankees love a bargain.

— I'm going to ask Theodore Parker for a contribution to make up the difference, said Willis.

Mr. Grimes shook his head doubtfully. — I wouldn't bother Mr. Parker, he said. — He's not a rich man.

— Oh, he's got a dollar, said Willis. — He's got the richest private library in Boston. But think of what it will mean to have his name at the head of the list, just under the Curtises! That will show that both parties are agreed to close out the question and make peace. What have we got to lose? Your man will get his freedom and Colonel Suttle will be paid for his trouble. The soldiers can be dismissed and the City get back to normal. It will mean a pleasant Sabbath and a calm week ahead instead of all this senseless wrangling and turmoil. The names of Curtis and



Parker, cheek by jowl at the head, will be like a handshake between them. The Curtises have signed and now it's up to Parker. Of the two I should think he would be the most forgiving, being a clergyman. Oh, I know he'll be a sportsman about this, I know he isn't as bad as he's painted.

Parker met them at his door with a pistol in his hand. He led them upstairs to his study without comment, and tossed the gun carelessly on his desk. Mr. Grimes observed with a shock that another pistol was resting on top of the Holy Bible.

— Sit down, gentlemen, said Parker. He noticed the Negro's sad eyes resting on the gun. — Don't be shocked about the weapons, Mr. Grimes, I beg of you. During the Revolution many ministers wrote their sermons with a pistol on their desks. It isn't the first time I've answered the door with one in my hand, although I've never had it to protect myself before. There's Grandfather's musket up there over the fireplace and the King's Arm he captured on Lexington Green. I wonder what he would have thought of this business.

Mr. Willis was appalled. He considered it the zenith of bad taste for a man of God to be fondling a weapon while at this very moment in Charlestown, the widow of Batchelder was mourning her dead husband, the victim of a weapon like the one, or perhaps the very one, that Parker displayed so brazenly. He froze into bitter dislike.

Mr. Grimes, after waiting fruitlessly for Willis to put the question, said timidly, — Reverend Parker! Mr. Willis and myself are raising a sum of money to purchase Mr. Burns, and we thought perhaps you might like to make a contribution.

Parker stared a moment at Grimes in disbelief, then buried his face in his hands to hide a red flush of anger.

There was a long silence and then Willis said curtly, — We haven't much time. The sale must take place tonight in order for us to use all our pledges.

— I'm sorry, said Parker harshly, — but I have nothing to contribute to this cause but bullets and brains.

— That's what I thought, said Willis. — Come along, Mr. Grimes.

Grimes stood his ground, bowing his head as if expecting a blow. He said, — I must say I'm surprised, Mr. Parker. You and Mr. Hallett are the only ones that have stood against us in this humane thing. And it is humane if Tony gets free.

— How will he *get* free? demanded Parker. — Who's going to sign the bill of sale? God?

— Judge Loring has agreed to draw it up and the Colonel will sign it, continued Grimes doggedly.

— Oh, Edward God will draw it up?

— We only thought where everything looks so hopeless, it would . . .

Willis cut sharply into Mr. Grimes's soft avowal.

— Don't apologize, Mr. Grimes. Some people thrive on trouble. They don't want freedom for the slave. They want treason for themselves. Good night, Mr. Parker. He started abruptly out. Parker stopped him.

— Just a minute, gentlemen. You are not alone in your belief that there are many people like myself who seem to exploit these matters in strange and violent ways. But we don't do it for ourselves. I have a frail young wife. Wendell Phillips's wife has been bedridden for years. This morning, while I was buying the meat for Sunday dinner, my market man told me that a group of truckmen friends of Batchelder were intending to attack Wendell and myself tonight. I have sent Mrs. Parker to sleep at her aunt's. Do you think we like this kind of trouble coming to our house? We want to live in peace. But we can't buy peace. You can, Mr. Willis, and perhaps Tony Burns can, but we can't.

— We're thinking now of Tony Burns, said Mr. Grimes, gently rebuking.

— Sad case, yes. But not the only one. These pistols have protected a score of slaves on their way to Canada. I should have hated to foot the bills for them all. Do you remember William and Ellen Crafts, Mr. Grimes?

— Yes, sir. She was a very light mulatto, wasn't she?

— As light as my own dear wife. They were my parishioners and there was a warrant put out on them as well. When we tried to raise money to send them to Canada, some old hen insisted that they be married. They were man and wife, but they had never gone through a ceremony. I believe they frown on that sort of thing in Virginia. I got them a license from City Hall and married them in Lewis Hayden's house in Southac Street. There was a pistol on the desk beside the Bible and I put it in his hand. Then I gave him the Bible. I told him it possessed the truths of the human race and to make use of it. I told him the pistol contained a kind of truth that he must use to protect the life and body of his wife even if it meant digging his own grave and the grave of a thousand men. As a minister of religion, I put into his hands these two dissimilar instruments, one for the body if need be, one for his soul in all events.

— And what happened to him? inquired Willis, fascinated now in spite of himself.

— Well, they got away. But first William walked the streets of Boston

and to those who offered to buy him from his master he said, — I wouldn't give the man two cents for all his right to me. I buy myself, but not with gold; with iron.

Willis stared at the implacable man. This was unsportsmanlike but there was a great gallantry there. — We'd better go now. It's nearly ten, he said to Grimes. He gave Parker his hand, surprising himself. — Mr. Parker, wouldn't you like to have me drop in the Essex Street Station and have Captain Easton keep his men on the alert for prowlers?

— Thank you, Mr. Willis. It wouldn't do for a well-known lawbreaker like myself to ask for its protection.

Mr. Grimes held out his hand. Parker took and held it a moment, placing his other one over it.

— Don't get your hopes too high over this thing, Mr. Grimes. I'm sure Hallett won't allow the man to be taken out of the Marshal's custody until after the trial.

— Then why hasn't he stopped it? He's kept out of it except for discouraging contributions. It said in the papers that he'd agreed to it.

— I'll admit I'm puzzled myself at that, said Parker. — But I'm sure it stems from weakness rather than conviction. Perhaps he'll let it go ahead for a while, long enough to make people believe the man is to be bought, and let their anger and protests subside. Then he'll stop it.

— I hope you are wrong, said Mr. Grimes sadly.

— You join a great multitude in that wish, Mr. Grimes, Parker said, showing them out the door.

He walked around his study, looking at his books and wondering if they would suffer pillage and plunder that night. He piled the rarest on his desk, thinking to evacuate them if the trouble broke. He opened a drawer and stacked up a great untidy pile of foolscap on which was scrawled his magnum opus . . . his synthesis of all the religions since the beginning of man. These two heaps were his miser's hoard, the things he thought he prized above all.

Or was it all? No; he turned his back on them without another thought and went to the fireplace and lifted down from the chimney breasts the two old muskets and ran his hand caressingly over the rusty iron.

With them under his arm, he tiptoed down the stairs and out into the street, walking for a while like a man on thin ice. But then he hugged the old guns to his breast and went off down Essex Street to find a hiding place for his treasures, two old pieces of iron and wood, stained with the grass of Lexington Green.

\* \* \* \* \*

When Mr. Grimes and Willis got back to the Courthouse there was another delay while Counsels Thomas and Kerr restored the Colonel's fading humanitarianism with the evidence of the completed sum of twelve hundred dollars. It was at eleven o'clock that all parties concerned got together in Judge Loring's office and watched him draw up the bill of sale.

*Know all men by these presents*, that I, CHARLES F. SUTTLE, of Alexandria in Virginia, in consideration of twelve hundred dollars to me paid, do hereby release and discharge, quitclaim and convey to ANTHONY BURNS his liberty; and I hereby manumit and release him from all claims and service to me forever, hereby giving him his liberty to all intents and effects forever. In testimony whereof I have hereunto set my hand and seal, this twenty-seventh day of May, in the year of Our Lord eighteen hundred and fifty-four.

After everyone had admired this deft instrument, a messenger was sent to Marshal Freeman to request his attendance at the office. The messenger came back with news of his refusal. The happy bubble raised by the preliminaries began to deflate. Mr. Grimes began to wish he hadn't sent a message up to Tony to be prepared to leave his jailers in a matter of minutes. He was almost tempted to go out and dismiss the hack that he had hired and which stood at the entrance to the Courthouse, ready to carry Tony off to a great jubilee at the church where even now a watchnight service was going on. But he felt a little better when the Judge, with unaccustomed vigor, gathered up his papers and led the way over to the Marshal's office with every intention of settling the matter there and then.

Marshal Freeman stood at the door and gave way as the purchasing party came in, but there in the middle of the floor, like an angry and melodramatic exclamation point, stood Ben Hallett.

Judge Loring walked around him as though he were as out of place as a totem pole and took a place at Watson Freeman's desk. He looked up at Watson in his best courtroom manner and said, — Marshal, Colonel Suttle has presented me with the proper instrument to discharge or manumit this man from the custody of this court, and in your presence I wish to complete a transaction whereby a group of Boston philanthropists purchase for the sum of . . .

— Just a minute, Judge, said Ben. — That figure mentioned in the transaction . . . twelve hundred dollars, I believe it is . . . may be quite satis-

factory for the Colonel, but there are other expenses that have occurred in this incident that can only be settled by the full trial and rendition of the fugitive.

— I believe this matter is under the Marshal's jurisdiction, Mr. Hallett, said the Judge.

— I am acting as his attorney, Judge. Right, Watson?

Watson nodded sadly.

— In any case, Mr. Hallett, I don't think your, pardon me, your client's objection is valid. I am sure that the Government will bear the expense incurred so far in this affair.

— That's where you're wrong, Judge, if I may be so bold. The U. S. Government won't pay a damned cent unless the man is remanded under the proper legal condition.

The Judge's hands shook a little as he drew out a copy of the Fugitive Slave Act. — According to the bill . . . he said, and then put it down. The words ran together before his eyes. Something told him not to get involved in any talk about money. He laid the paper aside.

Ben took up the copy of the Fugitive Slave Law and read it through from beginning to end. It took considerable time and the mounting tension had begun to affect the Colonel so much that he walked furtively into the darkened inner office and took a drink from a pint flask. Mr. Grimes sat with his hands folded and prayed. Judge Loring suspected Ben was up to some legal hocus-pocus but could not overcome his habitual courtesy with enough force to interrupt.

Ben laid aside the transcript of the law and came up with another objection. — That's all very well, but there happens to be a law of Massachusetts prohibiting the sale of human flesh. It's against the law to slave-trade in this state. Let me cite, your Honor, Chapter 125, Section 20 . . . Ah . . . *Any person who shall sell, or in any manner transfer for any term, the service or labor of any Negro who shall have been unlawfully seized or kidnaped from this state to any other state, place or country, shall be punished by imprisonment in the State Prison not more than ten years or by a fine not exceeding one thousand dollars and imprisonment in the county jail not more than ten years.*

— Oh come now, Hallett, said the Judge hotly. — That point is far-fetched. You know very well that law is not applicable to the case at hand. That law was not framed with the intent of preventing a man from being sold into freedom, but against selling him into slavery.

Colonel Suttle lurched into the picture with such belligerence that Ben involuntarily threw up his hand to protect himself.

The Colonel placed a loving arm around the slight shoulders of the Judge.

— By God, nobody's goin' to put this here Judge in jail without fightin' me for it. Suppose he did draw up a Bill of Sale. Suppose he did not think, under the agitation of the time . . . and I give him great credit for it. I consider this Bill of Sale a charitable act. You're saying, Mr. Attorney, that he shouldn't have drawed that Bill of Sale. Well, I consider it a very charitable act. I would like to know why the Judge ought not to draw up the Bill of Sale as well as any other man. He is not sworn not to draw up Bills of Sales for the freedom of his countrymen.

The Judge turned away, hurt more by this drunken defense than by Ben's insinuation.

— Please, Colonel, sign this bill and accept the money and get this over with.

As the Colonel reached for the quill, Ben pointed solemnly at the clock. — You may go through with this mock ceremony if you like, Judge, but the Marshal and I will continue to hold the man and continue prosecution in some court. Look at the clock, gentlemen. It's after twelve. The Sabbath has commenced. That signature will not be legal. Good night, gentlemen.

It was true. Ben had won again. The Judge gathered up the papers and said to Mr. Grimes: — It can be done at eight o'clock on Monday morning. Come to my office then, and it can be settled in five minutes.

Nobody said good night to Watson Freeman as he stood by the door. But Mr. Grimes had to say something.

— Mr. Freeman. I've told Mr. Burns that he will be freed tonight. Could I go up and tell him about the delay? He'll spend a restless night if I don't.

— I'll tell him, Mr. Grimes. Good night.

When the door closed, Watson turned to Ben, stretching out his arms and whining, — Why Ben? Why?

Ben took a folded telegraph message out of his pocket and handed it to Watson.

YOUR CONDUCT IS APPROVED. THE LAW MUST BE EXECUTED. FRANKLIN  
PIERCE.

Mr. Grimes stumbled down the steps. It had been a hard day for a humble man, planting his tender soul before the abrasive antennae of the rich, begging them to give money to evade a law. And he had done well and known triumph up to a point. Now that the twelve hundred dollars had melted away, he thought of the fifty cents he owed the hackman still

standing outside. He went over to pay and dismiss him and the door opened and Theodore Parker leaned out.

— Is this your cab, Mr. Grimes? I've been waiting to hear the news.

— It's no longer my cab, Mr. Parker. And as yet we have no news.

— Let me drop you at your house, Mr. Grimes.

— No, thank you, sir. I'd rather walk.

He started wearily down Court Street to the church, trying to think of a way to break the news to the people watching and praying and singing in the upper room.

Parker watched him a minute and then told the cabman to drive to 21 Cornhill. He had another important leaflet that had to be on the streets by church time. A leaflet to prevent the lulling and the soothing and the dispersal of force and arms; a little vinegar to thin down the sugary scum cloying the issue of Anthony Burns *versus* the insolence of office, the pangs of despised color, and the law's delay.

### THE MAN IS NOT BOUGHT

HE IS STILL IN THE SLAVE PEN, IN THE COURTHOUSE

The Kidnapper agreed, both publicly and in writing, to sell him for twelve hundred dollars. The sum was raised by eminent Boston citizens and offered him. The bargain was broken by the U. S. Commissioner

BE ON YOUR GUARD AGAINST ALL LIES!

WATCH THE SLAVE PEN

LET EVERY MAN ATTEND THE TRIAL

He was not omniscient, but he was at least as smart as Ben Hallet.



## THE SABBATH

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ON SUNDAY, the moral climate of Boston was fixed for the week by the tongues in the pulpit and the pens in the press. And in the pulpit of the Twenty-Eighth Congregational Society, the barometer was set for most of the country. The man who stood at that desk was the only preacher in the nation whose sermons were reported from beginning to end in the *New York Tribune*. They were garbled in the Boston press and nearly always set against a damning editorial, but it didn't matter there because the people who were rightly affected by them went to listen to the man himself. Unfortunately, many went there in the same spirit that they went to their newspaper, thirsty for knowledge and stimulation. Some even brought newspapers with them into their seats and came in after the prayer and left after the sermon, banging the doors that led out into the promenade corridor on both sides of the auditorium.

It wasn't really a church, of course, but a music hall, a very high-grade music hall, built under the leadership of Jonas Chickering, the great pianomaker. It was a dedicated place, without pink Venuses stripped to the waist riding pink clouds over the ceiling. There was a massive bust of Beethoven rearing up in arrogance instead of the humble suspension of a bleeding heart, but it was still a dedicated place.

On Sundays, it was the biggest church in Boston, seating over two thousand on its vast floor and double tiers of galleries. The corporation that owned it as an investment had rented it out to the preacher with tongue in cheek, slyly snaring his supporters with a full year's lease. It had laughed at the thought of the preacher standing ineffectually in all that real estate with his faithful followers spread out like walnuts on a cake. They knew that other preachers of his denomination, or rather in what he professed as his denomination, would not allow him to occupy their pulpits and that he was allowed little space for self-advertisement in the tracts and publications of his sect. They knew that their site had been

chosen because all of the smaller halls had been engaged or bluntly refused to him.

But he was not smothered by the vast silence between the acreage of the floor, the pin-point seats in the curving tiers and the vaulted ceiling. Two thousand people beat back the silence, sweeping in on Sunday morning like a tide, slamming down the seats and rattling their papers and pressing as no other congregation in the world to the frontmost seats, to catch every word from the preacher's mouth.

There was little to invoke reverence there: no altar, no stained glass, no communion rail, no wine and wafers. There were some flowers on a table and the preacher. What reverence there was came from him and his prayers. And that was the reverence that comes from beholding an honest man who is also articulate and reckless . . . a man whom you have to trust because he stands up and says things that can only get him into trouble. The words he gave were dangerous and therefore costly and therefore precious, and some people who were childishy sentimental about courage held them as very dear.

On this morning the preacher, coming into his church with his wife and a friend, found a paper tacked against the main door of the edifice. He looked at it with interest because it reminded him of Luther and his Proclamation. But this paper was of death; an epitaph . . .

HERE LIES THE BODY OF  
JAMES BATCHELDER  
WHO IN THE PERFORMANCE OF HIS DUTY  
AS A POLICEMAN  
DEFENDING THE LAW AND ITS SANCTITY  
FROM ILLEGAL FORCE AND VIOLENCE  
WAS MURDERED BY A MOB INSTIGATED TO RIOT  
AND BLOODSHED  
IN THE NAME OF HUMANITY AND FREEDOM  
BY  
THEODORE PARKER  
MINISTER OF THE GOSPEL OF PEACE  
AND WENDELL PHILLIPS  
WEALTHY CITIZEN OF BOSTON  
AND  
KINDRED SPIRITS OF THE SAME PERSUASION

— Tear it down, Mr. Ellis, said the preacher's wife to the preacher's friend.

— Let it be, said the preacher.

— But, Theodore . . . said his wife.

— Let it be.

\* \* \* \* \*

Just before churchtime, Julia Howe went looking for her husband. He was not a regular churchgoer, preferring, as he said, to pray with his hands and feet. Mrs. Howe was devoted to Theodore Parker. To her, he was the one and only oracle of God. From his pulpit he sang to her like an archangel and she seldom failed to leave the Music Hall without exultation enough to sustain the long ride on the lumbering omnibus to South Boston where they lived, and have a little left to dismiss complaints of the dinner kept waiting and everybody starving.

To the doctor, Parkie, as he called him, was a little less than divine; and he sometimes felt, as he listened to one of his sermons, that Parker was dropping hot coals one by one down his throat. The doctor felt that sermons and church and all that should appeal to the heart rather than to the head. For this reason, he had taken himself off to his office in the Perkins Institute, which stood near his home.

He heard Julia running up the stairs to the office, which was on the second floor over the salesroom where the things made by the blind people were displayed. He walked quickly over to the Franklin stove and bent as if he were about to give it a good cleaning.

Julia stopped in dismay as she came in. — Oh, Chev . . . It's almost time for the bus. Let me see your hands.

The doctor had not had time enough to dirty them. She had seen through his ruse. He decided to take a bold stand and settle the question once and for all.

— Come. The children are waiting for us, Julia said.

— Julia, he said, stroking his beard and looking out at the mud flats of the Harbor, — I think it is time for us to change our place of worship.

She looked at him in astonishment.

— Well, he said. — Haven't you anything to say?

— How can I? I'm dumfounded at such a statement.

— The children are now of an age at which they should receive impressions of reverence. They should, therefore, see nothing at Sunday service which would militate against that feeling.

— Why, Sam, what irreverence has Theodore Parker ever displayed?

— I'm not referring to him, of course. But what about the people who read newspapers before the sermon begins? I've seen them eating. I've seen women knitting. A great many people come in after the prayer and some people leave before the sermon is over . . . as if it were an exhibition of some sort.

— What have they to do with us? I'm sure our children are reverent, and have reverence for Mr. Parker. Why, he baptized little Julia.

— These irregularities offend my sense of decorum and appear to me undesirable in the religious education of my family. He turned abruptly and sat down at his desk, watching her out of the corner of his eye.

— This doesn't sound at all like you, Sam. I thought he was one of your dearest friends.

— He is, but that's got nothing to do with it. He's a preacher. I'm a doctor. He doesn't come to me when he's sick, does he?

— You don't mean . . . ?

— Of course not. He has many doctor friends. Besides, he's a bad type of patient. He always reads up on everything and contradicts you. No. It's just that . . . Well, he just doesn't magnetize my organ of veneration.

— Where would you prefer to go? To the Episcopal church with Ben Hallett?

He ignored this cut. — I rather like the Swedenborg chapel. It's peaceful there. He paused. — I see him three times a week, Julia, and he's always the same.

— Would you have a preacher one man on Sunday and another through the week.

— He's like a terrible Turk. Why does he hack away at the heads of Boston merchants, none of whose kith and kin come to see him? Why does he say that, without our revolution, France would not have had hers? . . . Tell me: do you get any spiritual solace out of such discussions?

— Yes, I do. I like to see him lash out at the smug and virtuous ones. He's a truthful man, Sam. He cuts away at everything old and rotten. Maybe he does spread himself out too much, as far one way as Garrison and almost as far the other way as an infidel. But it's *true*, Sam. Well, I'm going. We'll talk about this later. We can go to other churches. It would be an injustice to him to *force* you or the children to go there.

— Wait. I'm coming. Perhaps I shouldn't have raised the question right now.

— He needs us now, Sam. He's in trouble.

— I didn't mean we should stop all at once . . . or altogether.

— I think you should tell him. He'll miss us. He looks for us.

Dr. Howe walked down the stairs after his wife, sadly reflecting on the futility of winning a point in such a battle.

— I told him, he said.

— Did you read him that speech you had prepared for me? I saw it on your desk. I hope you didn't mention the people eating and the newspapers.

— Of course not. We had a nice discussion about it.

— Did you tell him he was not reverent or religious enough for you?

— Ye gods, no! Damn it, Julia. Don't you think that I would suppose that, in real and true religion, he is not higher, higher as the heaven than the earth, than I am or can be. I just told him I got more religious feeling of piety or devotion, or whatever you want to call it, from meek little Warren Burton than from him.

— Does meek little Warren Burton cry when he reads the story of the Crucifixion?

The doctor let it rest there, remembering Parker angrily trying to control his voice and roughly dashing the tears from his eyes on Easter Sunday.

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Parker, sitting on the platform, thought of what Dr. Howe had told him. . . . The most painful criticism I have ever had. No one has ever said that I was not religious enough. Some have left because I preached against war; some because of slavery; some because I talked of the misdeeds of politicians. Some didn't like what I said about drunkards and the liquor dealers who debauch them for a price. Some left because of my attacks on popular theology. Maybe that is being irreligious. . . .

He looked out at the people beginning to arrive. Many of them were roughly dressed, and they did have papers under their arms. One old fellow had a bag with him that looked like his breakfast.

. . . Several have thought that the place is not respectable and that the audience was mostly grocers and mechanics. Good riddance to them. But truly it hurt to have someone go because the preaching was not religious enough. . . .

He shifted uneasily in his chair. It was hard sometimes to sit here and watch them come in. Some of his friends suggested that he should wait until the crowd was seated and then come in as they were singing a hymn. But he had dismissed this idea as being too theatrical. He liked to walk directly to his chair and sit caressing the Book, looking out on his poly-

glot flock. Sometimes he brought the flowers in and placed them himself on his desk. He had often broken off a sprig and passed it down to some child sitting with a shining Sunday face in the front row.

It was hard to sit up there, as straight and unadorned as a pestle. He thought of the easy anonymity of a priest, entering silently among the faithful, lulled and dazzled by the power and glitter of the altar . . . moving in all the helpful stage business of a well-directed role . . . incensing, genuflecting, shaking the thurible, adjusting the symbolic robes and veils, moving his hands, his back to the people in the remote and awesome sacrificial and sacramental acts . . . then turning, great with invocative magic, to face them, kneeling and hushed.

His vision was shattered by the janitor shuffling across the stage on squeaky shoes and with a smooch of dust on his chin, to hand him a note. He opened it idly. It was a long one and written in a good hand.

SIR:

I would feel it my duty to address you by the title of Reverend, could I regard you as a Christian Minister, but as I hold you to be anything but a disciple of the meek and lowly Jesus who came to preach peace on earth and good will to men, and indeed to be one of the most irreverent of men, I cannot conscientiously do more than address you by the ordinary title of respect to an unclerical person.

This much covered the first page, and Parker looked up quickly to ask the janitor who had favored him with this document; but the man had squeaked away, and the second page gave the answer well enough.

This is to inform you that a party of Southerners will be present this morning to see and hear you desecrate the Lord's Day by your usual fanatic declarations against the South. It is, therefore, to be hoped that stimulated by the provocation of their presence and for their especial edification, you will pile up the agony as high as Mount Olympus for Mount Zion is, doubtless, too lowly for your purposes and aspirations.

Some Harvard boy, he thought . . . one of Judge Loring's students. . . . But then it became very un-Harvard.

Are you aware, sir, that in your crazy opposition to and warfare against slavery, you are arrogating to yourself a wisdom and a righteousness which not only exceed those of the scribes and Pharisees,

but are superior to those of God and Christ? God himself ordained slavery among the Jews.

Now he could place it. It was an Amherst theological student, reflecting hours spent at the knee of Moses Stuart.

Answer this if you can on this day, or forever after hold your peace. Yours, as you shall conform yourself to the Gospel Model.

A SOUTH CAROLINIAN

Well . . . he thought, as he thrust the letter into his pocket, the South Carolinian can go hang himself and take off to Barnum's if he wants that kind of show. . . . Today he had resolved to keep off slavery for a change. He had prepared a good piece on the war in Russia. There were inferences there to the present situation, but nothing direct. And he had chosen a very pious Scripture lesson and plague take the Southern fire-eaters, trying to stir him up like a bear in a cage.

It was Anniversary Week and the city was filled with Unitarian pilgrims. Already he recognized several country pastors in the hall. They came to see him as a curiosity and he was going to fool them and send them out chapfallen with a good, solid, intellectual, historical, philosophical sermon under their belts.

He tried not to, but was forced to look over at the seats generally occupied by the Howes. They were vacant and he felt a wave of sadness and remorse. How many others had been grieved away with this lack of religion? He murmured a prayer: — God help me to know myself, that I may see how frail I am. . . . He felt like a jilted suitor, running headlong to plead that he would change completely, ready to swear a new character and self, inside and out. . . . Perhaps if I hadn't worn a farmer's smock so long and mowed hay and stormed around the land preaching tumult and controversy, I could get down into the deep places of men's hearts and give them that glow of man's desiring. If they would only come today and hear me. I can do my reforming the six other days. . . .

Then he thought of the sheet tacked on the door and he was impelled to go and tear it down at that moment. He looked down front, and there he saw old Sam May. His nephew, Sam Joe, was called God's Chore Boy, but old Sam was content to be Parker's, although thirty years his senior. Old Sam looked up at him and nodded, reading the message in his face. He reached into his coat and showed him a folded paper. It was the epiphany. Old Sam tore it carefully to bits and put them in his pocket.



Parker began to feel less naked as the Music Hall filled up. The galleries were crowded and people began to stand at the back. He saw the ushers forcing the door shut and setting out chairs in the aisles, and he heard someone say that over five hundred would be turned away.

Now he wished for a moment that he could let himself go free on the order of the day. He knew that there were many there waiting like soldiers for a battle plan. He knew that he had half a mob and half a congregation. He knew they were expecting some plain talk. They needed it, God knows. And what they needed was restraint. But, chastened lover that he was, he had put away the sounding trumpet and the brazen cymbals and bent his soul to be the lamb of God, meekly baa-ing down to the deep places in men's hearts.

When he went to the desk to begin, he saw the Howes sitting in an unaccustomed place and the wolf growled beneath the skin. Next time . . . he thought . . . next time for piety. This time for truth.

— I see by the face of each one of you, as well as by the number of all, what is expected of me today. I have been asked to extemporize a sermon. It is easier to do it than not. But I shall not extemporize a sermon for the day. I shall extemporize the Scripture.

The Reverend Lynnford Baker of the First Church of Tyngsboro, sitting in the second gallery, nudged his neighbor, the Reverend Paul Potter of Pepperell, with a great deal of shocked satisfaction, and they bent forward to get every word.

The strong voice, weighted and a little harsh, like a trombone, filled the great hall. It was the voice that made the Music Hall possible. A common run of voice, be it blessed with the eloquence and poetry of Solomon, could not have drawn and held people there. This voice had to be heard over the rattling of the Sunday papers and the munching of the breakfast buns.

— I shall, therefore, pass by the Bible words which I had designed to read from the Old Testament and shall take the morning lesson from the circumstances of the week. The time has not yet come for me to preach a sermon on the great wrong that is now enacting in this city. The deed is not done. Any counsel that I have to offer is better given elsewhere than here; at another time than now. Neither you nor I are quite calm enough today to look the matter fairly in the face and see entirely what it means. I had planned to preach this morning on the subject of war, taking my theme from the commotions in Europe. Next Sunday I shall preach on the perils into which America is brought at this day.

This announcement brought a great sigh from the audience, like that

brought by a statement from the manager of a play that the star is ill and cannot appear that night. He heard it with satisfaction.

— That is the theme for next Sunday. The other is for today. But before I proceed to that, I have some words to say in place of the Scripture lesson and instead of a selection from the Old Testament Prophets.

The Reverend Mr. Baker whispered to his friend: — Do you think we could stay over Sunday? Perhaps if we delayed some committee work . . .

— Shush, said the other. — Listen to this.

— Since last we came together, there has been a man stolen in this city of our fathers. It is not the first. It may not be the last. He is now in the great slave pen of the City of Boston. He is there against the law of the Commonwealth, which, if I am rightly informed in such cases, prohibits the use of state edifices as United States jails. Any forcible attempt to take him from the barracoon of Boston would be wholly without use.

He stopped and looked over at some sturdy Worcester men. One nodded sadly in agreement but another looked glum and folded his arms with a defiant air.

— For, besides the holiday soldiers who belong to the City of Boston and are ready to shoot down their brothers in a just or unjust cause any day . . . when the city government gives them its command and its liquor . . . I understand that there are one hundred and eighty-four United States Marines lodged in the Courthouse, every man of them furnished with a musket and a bayonet, with his side arms and twenty-four ball cartridges.

He threw this last sentence away, almost mumbling it, knowing the carelessness of the delivery would heighten the effect of the careful research.

— They are stationed, also, in a very strong building and where five men in a passageway, half the width of this pulpit, can defend it against five-and-twenty or a hundred.

He mopped his brow and looked again at the Worcester men. The defiant one had unfolded his arms and now sat with his legs crossed and his hand on his chin. Parker let his eyes rove a little, looking for SOUTH CAROLINIAN.

— A man has been killed by violence. Some say he was killed by his own coadjutors. I can easily believe it. There is evidence that they were greatly frightened. They were not soldiers but volunteers from the streets of Boston, who for their pay went into the Courthouse to assist in kid-

napping a brother man. They were so cowardly that they could not use the simple cutlasses they had in their hands, but smote right and left, like the ignorant and frightened ruffians that they were.

Parker made this a challenge, pausing a minute and looking out again; trying to see if Hallett and Freeman had sent any of the guard to the service.

— They may have slain their brother or not. I cannot tell. It is said by some that they killed him. Another story is that he was killed by a hostile hand from without. Some say by a bullet, some by an ax, and others still, by a knife. As yet, nobody knows the facts. But a man has been killed. He was a volunteer in this service. He liked the business of enslaving a man and has gone to render an account to God for his gratuitous work. Twelve men have been arrested and are now in jail to await their examination for willful murder.

— Here then is one man butchered and twelve men brought in peril of their lives. Why is this? Whose fault is this?

— You remember the meeting in Faneuil Hall last Friday when even the words of my friend Wendell Phillips, the most eloquent words that get spoken in America, in this century, could hardly restrain the multitude from storming the Courthouse and tearing it to the ground. What stirred them up? It was the spirit of our fathers. The spirit of justice and liberty in your hearts . . .

He paused for a moment, lest it sound too stereotyped and Fourth-of-Julyish, and then said:

— And in my heart.

He looked out at the audience a little contritely, wanting to smile in spite of the gravity of the moment. There were many other smiles looking back at him.

— Sometimes, he said, shifting to a conversational tone, — sometimes it gets the better of a man's prudence . . . He stopped again to mop his brow, letting this part stand as a half-apology for getting mixed up in such a fiasco.

— Boston is the most peaceful of cities. Why? Because we have a peace worth keeping. No city respects laws so much. Because the laws are made by the people, for the people, and are laws that respect justice. Here is a law that the people will not keep. It is the law of our Southern masters. A law not fit to keep.

— Why is Boston in this confusion today? The Fugitive Slave Bill Commissioner has just now been sowing the wind that we may reap the whirlwind. Judge Loring is a man whom I have respected and honored. His

private life is blameless, as far as I know. His character has entitled him to the esteem of his fellow citizens. He is a respectable man, in the Boston sense of the word and in a much higher sense. At least I have thought so. He is a kindhearted, charitable man, a good neighbor, a fast friend, generous with his purse, a kind father, a good relative. And I should as soon have expected that venerable man who sits before me, born before your Revolution — I should have as soon expected him to kidnap Robert Morris or any of the other colored men I see around me as I should have expected Judge Loring to do this thing.

Parker held his finger on Sam May sitting in perfect composure with his white beard and hair luminous in the May light.

— But he has sown the wind and we are reaping the whirlwind. I need not say what I now think of him. He is to act tomorrow. Let us wait and see. Perhaps there is manhood in him yet. But, my friends, all this confusion is his work. He knew he was stealing a man born with the same right to life, liberty and the pursuit of happiness as himself. He knew the slaveholders had no more right to Anthony Burns than to his own daughter. He knew the consequences of stealing a man. He knew that there are men in Boston who have not yet conquered their prejudices; men who respect the higher law of God. He knew there would be a meeting in Faneuil Hall and a gathering in the streets. He knew there would be violence.

Mrs. Howe looked aside at the doctor. He was making an unpleasing slapping noise by punching his fist into his open palm. — Reverence, Doctor, she whispered. — Unclench your fist and concentrate on your bump of veneration.

Parker held for a long pause. The word *violence* hung incompletely in the air. The final chord of a tutti. He took an eight-beat count as deftly and accurately as a conductor, then brought down his hand on the pulpit with a thump.

— Edward Greely Loring, Judge of Probate for the County of Suffolk, Fugitive Slave Commissioner of the United States . . . before these citizens of Boston, assembled to worship God, I charge you with the death of that man who was killed last Friday night. He was your fellow servant in kidnaping. He dies at your hand. You fired the shot that made his wife a widow; his child an orphan. I charge you with peril of twelve men, arrested for murder and on trial for their lives. I charge you with filling the Courthouse with one hundred and eighty-four hired ruffians of the United States and alarming not only this city for her liberties that are in peril, but stirring up the whole Commonwealth of Massachusetts

with indignation, which no man knows how to stop; which no man can stop. You have done it all. This is my lesson for the day.

The congregation let out their breaths with a mighty sigh, like a great cheer, *sotto voce*. Some in the galleries got up and stretched in sheer excitement . . . slamming their seats, before they sat again, to get the impulse to make noise and commotion out of their system. Parker hurriedly shuffled his notes and announcements, seeking to hold down the temper rising to the vaulted ceilings. He held one up finally and began to read it in a humdrum tone.

— I have here a request which I will read. *Anthony Burns, now in prison and in danger of being sent into slavery, most earnestly asks your prayers and that of your congregation, that God would remember him in his great distress and deliver him from this peril.* And it is signed by THE REVEREND LEONARD GRIMES and DEACON COFFIN PITTS.

He laid it down with great care.

— This is the old and tried and true form for such requests, but I do not like it. It seems to ask God to do our work. God is never backward in doing His work, and we should do ours. I cannot ask God to work a miracle to save this man, although if He does see fit to do so, it would be received with proper sentiments of reverence and gratitude. I have another request here in another form which I like better. It is addressed to all Christian Ministers of Boston.

— BROTHERS: *I venture humbly to ask an interest in your prayers and those of your congregations that I may be restored to the natural and inalienable rights with which I am endowed by the Creator and especially to the enjoyment of the blessing of liberty, which, it is said, this government was ordained to secure. Signed, ANTHONY BURNS. Boston Slave Pen. May 24th, 1854. . . .* And now let us pray.

— Dear God, Father and Mother of us all . . .

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The Curtis family headed the Union-saving faction in Boston politics. Besides that, they were rich and powerful enough to control the city like a fief and have it called "Curtisdom" by their impotent opposition.

Their best spokesman was a Justice of the United States Supreme Court. He had clinched the tenuous ties of mere cousinship by marrying the daughter of Charles P. Curtis, principal heir of old Thomas Curtis, who had built up one of Boston's greatest fortunes as an Indian merchant. Charles P. was a lawyer. His brother, Thomas, Junior, was a merchant; and the half-brother to both was Edward G. Loring, Judge of Probate

and the United States Commissioner now sitting on the case of Anthony Burns.

Justice Benjamin Robbins Curtis had got his appointment to the high bench after his marriage, and the family took credit for it. It had been arranged by Webster after the death of old Justice Woodbury. The Justice was known as a brilliant jurist and was equal to the office. He was a well-built man, sedate in dress, walked and stood with the port befitting his office, but his father-in-law never let him forget that he had achieved prominence when Charles had made him chairman of the meeting in Faneuil Hall that had given Boston's endorsement to the Fugitive Slave Bill.

It was a meeting that Judge Curtis would have liked to forget. It was there he had made some glancing remark about a clergyman in the town counseling perjury to witnesses and jurymen in slave trials. . . . — I should like to ask the reverend gentleman in what capacity he expects to be punished for this perjury? . . . It was one of those concluding questions that speakers use to round off their paragraphs, affording a pause in which to adjust their spectacles and glance down at the paper long enough to gauge the tempo and intensity of the next section.

He was totally unprepared for the accused to rise in the balcony and boom out from his barrel chest, — Do you want your answer now, sir?

Parker had no shame, of course, and would never play by the rules, and that big voice of his was the heavy reverberating kind that never failed to raise a hearty laugh when used to heckle or interrupt.

Parker would have got the laugh on him anyway but the growling resonance came like a welcome thunder clap in a dry season and the merriment was loud and prolonged. Curtis, of course, ignored the man and waited, hot-faced, until the laughter died away, and then went on with his speech as if nothing had happened.

The other daughter of Charles P. had married a man named Greenough, a classmate of Parker's. Needless to say, after this incident, the umbilical cord of Alma Mater was cut and Greenough would not throw as much as a nod to his schoolfellow.

Such a family, of power possessed, had to be close-knit and come together for conferences in times of stress. This time the meeting included George T. Curtis, a brother to Ben. He was also a Slave Commissioner and had been called in to explain the story going around that he had refused to issue the warrant to Colonel Suttle in the first place.

— All right. All right, he said in expiation of his sin. — I did tell the man I couldn't handle it. But what's the difference? Ned's doing a good job with it. I'll write a letter to the papers and say I'm still available. I'll



say that it is a lie that I had declined or was unwilling to act from any motive other than the press of business. I'll place myself by his side. But I never took a fee for a rendition and I never shall take one.

— I don't think Ned is interested in the ten dollars, George, said Charles.

They were sitting in the garden of the house on Summer Street, waiting for Judge Loring. They had been drinking Madeira amid the deadly and melancholy hush of six o'clock on a Sunday afternoon. The white and pink blossoms of the flowering trees were falling and were rolled slightly by the gentle breeze in the mud left by the rain.

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Judge Loring had been delayed by a visit from Mr. Grimes. Grimes had been greatly worried by the double shock of Parker's sermon and the rumor going through the town that Washington was now taking an active hand in the affair. It was said on good authority that Jeff Davis was sending the Adjutant General of the Army to Boston to take charge of the rendition. Already, as a result of this, two subscribers had canceled their pledges, stating that if the man was put on trial, they would get no good out of their contribution.

He was also afraid that Parker's attack would worry the Judge. But Loring hadn't even heard of it. He had spent a quiet day on a drive into the country after church and he was placid and relaxed as he invited Mr. Grimes into his study.

— No, Mr. Grimes, he said, — I haven't changed my mind in the least. If the Colonel is satisfied to sell the man, I'm perfectly willing to do my part. I took on the whole thing as an unfortunate occurrence, and the less said the soonest mended.

— I know Mr. Hallett is opposed to the sale, said Grimes timidly.

— Mr. Hallett is an efficient and conscientious servant of the administration, said the Judge, showing Mr. Grimes out. — But we don't always see eye to eye. I'm very happy in my present office of Probate Judge. Mr. Hallett has higher aspirations.

— Then I'll see you at eight sharp in the morning. I'll have the money.

— Yes, yes, Mr. Grimes, said the Judge, wearily nodding good-by and closing the door.

Mr. Grimes started down the street again. He was bothered by the white lie he had just told. It wasn't really a lie. It was more of a mistake that had slipped out of him. He hadn't all the money. He was still three hundred dollars short. He turned up Beacon Street for some more begging.

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A little later the Judge made his entrance upon the family conference. He stood for a moment by the trunk of a willow tree before he came into the circle. He never walked right into a room but always stood in the frame of the door, waiting for a greeting. People remembered him as a rather dim figure, always half in the shade; never wholly in anything; always waiting to be beckoned or pushed.

An old Chinese servant in native dress, a legacy from the old merchant prince, brought the Judge his Madeira. He sat in a wicker chair and lit a cigar.

Charles P. took the turf, happy to get at the matter so long delayed. — First, I want to talk about the Music Hall, he said. — On the thirtieth of June, the annual meeting of the stockholders will take place. This time we must make careful preparations and not get caught short as we did last year.

— This year, let's keep quiet about it, for heaven's sake. It was all over town last year.

— I have the floor, Thomas. You'll have your turn later. Of course, as Chairman of the Directors, I could set another date, but I think if we work hard on this thing, we'll have ample time.

— On what grounds are you basing your action, Charles? said Justice Curtis.

— Well, Judge, when Jonas Chickering and I, the original movers in this affair, promoted this edifice, it was for the purpose of advancing the musical and artistic culture of Boston. Its present use, I must say is . . .

— Very good. You're right, said Justice Curtis.

— Now about the votes. As in most corporations of this kind, there are only a few members public-spirited enough to take part in the corporation meeting and vote. Out of the one thousand and sixty-six shares issued for the Music Hall, I should say there are about five hundred active ones. Last year, when the family offered a motion similar to the one prepared for this meeting, we were defeated by a block of one hundred votes cast by a proxy.

— How did they ever get permission to use those votes, Charles? said Thomas.

— Oh, someone wrote to Chandler in Europe and got permission to use them from his agent in Boston. This year, I am happy to say, they are in the possession of a nephew of President Pierce and I'm sure we will have little trouble in acquiring them for the purpose we have in view.

— Hear, hear, said Justice Curtis. — I won't be able to attend but I'm glad to hear that my ten shares are to be put to such a worthy purpose.

— What about your own, Ned? said Thomas. — That might be the one to turn the scales in our favor.

— Oh, have it. Have it by all means. I don't think I'll be able to attend the meeting. By the way, what is this motion for?

There was a long and hearty laugh at Ned's innocence. — Really, Ned said, — I have no idea what the motion is, although you have my vote, of course.

— The motion is, said Thomas, — to throw the Twenty-Eighth Congregational Society out of the Music Hall.

— But why? said Ned. — I thought they paid a very good rental to the corporation. Twenty-four hundred dollars a year I believe. That will be a hard deficit to make up.

— It's well worth it. There's one debt I would put on the credit side.

There was total agreement with this from all but Ned, who spoke up again with soft persistence.

— Isn't that a rather crude move to make at this time? Everyone will ascribe it to a personal attack on Parker. I don't think we can afford that kind of talk. It will prolong the unrest that's so distressing at the moment. After all, what have we got against Parker?

Thomas put down his delicate glass so hard that the stem broke and tinkled over the flagstones. Charles let the tide of anger rise in his chest and up to his face.

— Why . . . he called my brother a murderer. Isn't that enough?

— Your brother? said Judge Loring, looking at Thomas. — Oh . . . me? He called me a murderer?

— You seem to be the last to hear about it, Ned, said Charles. — He stood up in the pulpit of the Music Hall, the largest edifice in Boston, built by the efforts of the Curtis family, and directed by myself as Chairman, and called the son of Minnie Curtis, my mother, a murderer. Over two thousand people, since this morning, have gone about the city repeating it.

Ned stood up in great pain and went to seek the shadow of the willow tree. He took it like a blow from a great loutish farmer's fist. For a moment he was speechless.

— It will be a good thing for Boston to be rid of him, said Thomas.

Justice Curtis saw the matter in a more intellectual light. — Yes. It should mean the end of his influence entirely. He will never be given a church by the Unitarians. He has no affiliation with a political party. He stands alone except for that weird congregation of his. Once they are dispersed, his influence will be null and void.

— Perhaps he'll write for the papers more, said Greenough.

— No, said Justice Curtis. — His influence in the papers depends on his influence before the public eye. If he has no church, he'll have no sermon. If he has no sermon, there will be nothing to print. This will discredit him. We've done the same thing with Garrison. He's very little in the public eye nowadays. At one time, he spoke a great deal in the churches and had a wide following. Since people have become aware of his atheism and the churches have shut their doors to him, he is only the disappointed leader of a small band of fanatics.

Ned Loring came away from the tree. He was pale and his hands trembled. Justice Curtis put a friendly hand on his arm.

— I think he's the murderer, Loring said. — If anyone killed that man in the Courthouse, it was he.

The others shook their heads in quick assent. — You're right, Judge, Greenough said. — O wise and upright Judge.

— Pity he can't be taken up for it, said Charles P. — It isn't the only murder he's committed.

Ned's head jerked up in shocked surprise.

— He's a character assassin, Charles continued. — He kills men's characters. That's why we've got to get him out of the Music Hall. He is carrying on a reign of terror from that pulpit. He stands there like a Robespierre, denouncing and sending to the guillotine whole families of the best citizens of Boston.

— Perhaps I shouldn't say this, said Justice Curtis. — I don't usually talk out of court, as it were, but there is a very good basis to have Parker indicted for this murder. If a person willfully obstructs any officer of the United States in executing a writ, he is guilty of a crime, and if the officer is killed by those resisting him, that is a case of murder. It is not even necessary to prove that the accused used or even threatened active violence. It is enough to prove an obstruction or an attempt at obstruction.

— He wasn't there at the time, was he? asked Thomas.

— Not necessary, said the Justice. — If persons having influence over others use that influence to induce the commission of crime, while they themselves remain at a safe distance, that would be deemed a very imperfect system of law that allows them to escape with impunity. That would be the basis of my charge to the jury in this case. And I have an idea I will be delivering such a charge before very long.

Greenough, now doubly inflamed by the excitement and the Madeira, hauled his lanky form up off his chair and spread out his skinny arms in a gesture of wild joy. — Hurray! he shouted, waving his glass like a torch.

— We'll fix him! He can't beat the Curtises. Charles P. will throw him out of his church. Benjamin R. will indict him for murder . . . and if that don't work, George T. will certify him a fugitive slave and send him down to Virginia.

Charles P. laughed discreetly, almost choking himself, holding back so hard the tears came to his eyes.

— For God's sake, don't repeat that, Greenough. He'll be saying it soon enough in the very same words.

Ned Loring didn't laugh. He turned on his heel and walked into the house.

— Ned's taking this harder than he should, said Charles P. — I hope he won't weaken and fail the family in this case. Of course, he'll have to carry through now with all the strength he can muster. Will you help him, Ben?

— Yes. Yes, said Justice Curtis. — I've already jotted down a few notes to guide him in giving his decision. But gentlemen, I'd rather not discuss this matter any more on the Sabbath, so I will not read them to you.

— Oh, come now, said Greenough. — We won't tell anyone, honor bright, we won't. You, more than anyone I know, owe little to the Sabbath. One of your dearest friends told me the other day that your Bible was constantly open on your office desk. He said it was a strange book for a lawyer to be seen reading in his office.

— Then I pity him, said the Justice. — For those ignorant of the principles of that book cannot be thorough in the duties of their profession.

He looked at Greenough with the full cast of his judicial severity on his cold, handsome face. And that ended his lesson for that day.

## THE SEVENTH WAVE

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PEOPLE WHOSE characteristics are set in a firm and unchanging mold are exceptional and even the rude and ignorant pay deference to the clarity of their effect on the world. Mr. Grimes, with his habitual and honest meekness . . . saying This is I, there's nothing more there . . . and Parker with his belligerence, rich in nuisance value, were the only two people in Boston that could pass in and out of the Courthouse at will.

Many others, some possessing considerable pomp and letters from the Marshal or Ben Hallett, were roughly denied admittance. Even, or rather, especially did the guards like to hinder the stiff-necked advance of Richard Dana on his way to the courtroom. There seems to be no other explanation of the fact that Parker and Grimes came and went at will and yet were the very ones who labored most assiduously to bring chaos and confusion to the guards themselves.

Mr. Grimes took up a place beside the door of the Probate courtroom at fifteen minutes before eight o'clock on Monday morning, passing into the Courthouse without being challenged or molested and even rating a courteous nod or two from the Marines and truckmen.

They nodded and spoke to Parker too, when he came. Not because he had softened their hearts or converted them in any way. In fact, they were put out over his brutal characterization of them the day before. But they knew him and he knew them. It seemed clear enough.

One of the Marines said to a deputy: — What are you speaking to him for?

— Well, said the guard, shrugging, — I know him. I see him here every day and he's around town a lot. Everybody knows him. Everybody speaks to him.

Dana evoked a poor response perhaps because he felt that these men were beneath him. But Parker didn't feel that way. He measured men horizontally, not up and down. For or against, he judged them and spoke and talked to anyone who had a word for him.

Mr. Grimes waited for Judge Loring for an hour and fifteen minutes with the pledges for the twelve hundred dollars still intact. At nine o'clock, the feeling that something was wrong took hold of him and he went below to the Marshal's office. It was locked.

With rising panic he half-walked, half-ran to the Revere House for Colonel Suttle. He wasn't there. He went over to Judge Loring's house on Tremont Street. The Judge had just left for the Courthouse. He ran back to the Courthouse and dragged himself up the stairs panting and throbbing, with a stitch in his side. He went again to the Marshal's office and tried the door. This time it was unlocked and he opened it and stepped in.

They were all there. They stood looking at him as he tried to catch his breath. Judge Loring was in the doorway to the inner office. The Marshal was beside his desk. Colonel Suttle, Brent and Ben Hallett stood in the middle of the floor.

— I came here at quarter to eight, Judge, like you said. You promised me you'd go through with it this morning.

The Judge retreated into the inner office, out of sight. Mr. Grimes started to follow him.

— Well, my colored friend, said Colonel Suttle, stepping in front of Mr. Grimes, — how long are you goin' to continue heapin' coals of fire on this man's head? We had a bargain to be made out Saturday night and it fell to the ground because of the time, and now it's over with. Why don't you let the man be? He's got trouble enough.

— He told me again last night the sale would be completed this morning. I have always taken him as a man of his word.

— Well, you just start takin' my word, the word of a Virginian. I gave the word of a gentleman for Saturday night. That word has gone by now. I have the word from my friends in Washington and various Southern gentlemen now here to take the man back and I intend to keep that word and that's the honor you'll have to concern yourself with, my colored friend. After we bring him back, then you can have him.

— But Saturday night's failure was not through me. I had the money here before midnight and the papers were ready. . . . He held it up. Grimes pointed at Ben. — He blocked it. It wasn't my fault.

Ben smiled sarcastically. — No, it wasn't your fault. But don't excite yourself, Mr. Grimes. When Burns is tried and brought back to Virginia and the law executed, you can buy him and I will pay one hundred dollars toward his purchase.

— But I bought him. The man is mine. Suttle just has to take the money

in his hand. Judge! he called.— Judge, isn't he mine, isn't he bought?

He started to the inner office but Ben took him by the arm and turned him around. He led him to a certain place on the carpet. He held his arm so tightly that Mr. Grimes could not tear away.

Ben pointed down to the spot on the floor. — The laws of the land cannot be trampled upon. That blood must be atoned for.

He released Mr. Grimes's arm. Baffled and despondent, Mr. Grimes went out of the Courthouse. He wondered who could ever atone for Ben Hallett's blood, full of such devious cruelty.

\* \* \* \* \*

In the morning, before the Court opened, the Marshal and Hallett had worked out a very efficient system of guarding the courtroom. All the doors were closed but the center one between the great granite columns. Marines stood with fixed bayonets at distances of ten feet in squads of six, as many as the passageway would allow. With them was a man from the Custom House, a loyal Democrat who could spot a Free-soiler, an Abolitionist or a Conscience Whig at ten paces. They gave the signal for the dropping and pointing of the bayonets against usurpers.

These finger-men were officially part of the *posse comitatus* at the customary three dollars. Ben, being the superb politician that he was, had seen to it that they were chosen from the doubtful wards in Boston and there were a few from other danger points, Plymouth, Salem and Lynn. After Friday, two men from Worcester were added.

A few overidealistic spectators were able to get by the guards at the beginning of the gantlet of the courtroom, but they were stopped sometimes just before the door itself.

Inside, an atmosphere of greater informality reigned. There were only half a dozen armed soldiers there and the decorum of the court was maintained by Louis Varelli's men, sitting in easy, relaxed postures, chatting and bickering, hoisting a friendly bottle now and then and having a quiet doze as exhaustion from their labors overtook them. Their dirty blue shirts or greasy and ragged broadcloth coats covered their guns and knives, and their faces, rich with the chiaroscuro of dark-hued stubble and seamed with lines of deep and profound experience, mitigated the pipe-clay pallor of the military and the effete white linen and bay-rum suavity of the legal hirelings within the bar.

The examination of Burns began shortly after ten o'clock. There was the usual delay caused by the baiting of Richard Dana by the guards. The courtroom was packed with Southerners. Northern men with South-



ern principles, although plentiful, did not seek public places in times like these. It was far better to show their loyalty at a Union-saving meeting, in Faneuil Hall.

Burns had been brought in before the court was opened but Parker went down for a word with him before he took his seat, and he saw that irons had been put back on the man's legs. Coming back to his seat he walked between Counsels Thomas and Kerr and noted that they were carrying pistols in their belts. These observations were given to Charles Ellis and he rose to open the defense, fighting mad.

— Sir, for the first time since I embraced the law as my profession, I feel ashamed to be in a courtroom. I am ashamed because I cannot regard these proceedings as fit and right.

He forestalled a remark from the bench by holding up a placating hand. — Neither the prisoner nor I have anything to complain about in regard to your Honor's indulgence. But may I ask your Honor if he has ever been forced to plead a case while the opposing counsel bore arms?

All eyes in the courtroom turned on Thomas and Kerr. They sat low in their chairs, their arms wrapped like swathes around themselves. After milking this effect for a goodly moment, Ellis turned to the prisoner.

— And is it fit, your Honor, that a counsel has to defend a client with shackles on his ankles?

At a signal from Watson, Butman snaked the irons off with amazing dexterity. — He has not them on, said Butman, probably adding *now*, under his breath, to square with the truth.

Ellis continued, having secured two good hits: — That is all right then, now, but he was also shackled on the first day. We are free citizens of Massachusetts and members of the bar and we do not have to be reminded in a courtroom, by force, of the claims of the Constitution and the laws.

He could see Ben Hallett shifting his big rump uneasily in his chair and saw Ben's ears start to tint red with anger. Ellis pointed his next remark in Ben's direction.

— This room has been packed with armed men and it is not fit that an examination should proceed. We protest against conducting this case with these avenues and apartments filled with military, making it difficult for any friends of the prisoner to obtain access.

Ben could not resist turning around to see whether Ellis was directing remarks in his direction. He caught Ellis's eye and held it, wanting to turn away but afraid people would think he was being stared down.

— It is but fit that everyone present should bear the semblance of humanity on his countenance and the conduct of a man in his person. The

object seems to be, for some reason, that the countenances here, instead of reflecting the benignity that ought to be shed from a tribunal of justice, only stare about with hate.

He raised a good laugh on this, even from the Southerners, and Ben had to turn away in abject defeat. Ellis now spoke to the Judge.

— Your Honor said on Saturday that you knew nothing prejudicial to the prisoner's freedom and I had hoped that these proceedings would be carried out on that supposition unless properly, calmly and legally shown.

— The examination shall proceed, said the Judge. — I will give this consideration if necessary, hereafter.

Ben rose from his chair, with a great bounce, pushing it back so roughly with his fat thighs that Watson Freeman had to steady it to keep it from falling over with a great clatter. Judge Loring, looking on this movement with covert dismay, bent his head to study some papers on his desk with phenomenal concentration. Ben stood there waiting to be recognized. The Judge did not look up. He hoped for a moment that Ben would turn and leave, using his departure as a gesture of injury and disgust. But Ben stayed and began to speak without recognizance.

— Your Honor, I wish to address the court on the remarks made by the counsel for the defense.

— Mr. Hallett, said the Judge, — there is no necessity for any such remarks. Such remarks would have no bearing on the examination now being held.

— His remarks had no reference to the examination either! shouted Ben. — But he is implicating and insulting the United States Marshal and the United States officers for their measures taken to preserve order in and around this court. I am obliged, as the law officer of the United States and as counsel for the Marshal, at whose request I am present, to reply to this unwarranted attack.

— That is unnecessary, said the Judge. — I have decided that the examination is to proceed and there is no motion before this court. The Judge nodded sharply to Ellis, who was still standing with a broad smile on his face, to proceed.

— I am aware of that, said Ben, ignoring the Judge's signal. — But the United States Marshal has been openly charged here with unlawfully packing this courtroom and stopping the passageway with armed men and such language must be replied to.

— Mr. Hallett, said the Judge, with all the force he could summon, — these remarks are irrelevant and entirely out of order. I think I am the sole authority on what language should be used here and I . . .

— The United States soldiers, continued Ben, riding down the Judge, — are here in aid of the Marshal to enable him to preserve order and execute the laws and they are summoned here as a part of the *posse comitatus*. This proceeding has been approved by the President of the United States.

Judge Loring looked silently down at his desk and the rest of the courtroom kept silence with him. Only the faces of Parker and Ellis wore a smile. The rest sat in awkward shame, their sympathy with the Judge. Richard Dana looked the saddest of the lot and rested his brow on his hand, unable to look at either of the contestants.

Ben changed his tone and began to plead with outraged righteousness: — That proceeding was rendered necessary by the conduct of the men who got up and inflamed the meeting at Faneuil Hall, some of whom I see here . . .

Ben turned and faced Parker and waved a heavy arm in his direction.

— Here within the bar, and who are claimed by the counsel as his friends. The men who committed murder that night came directly from the incitement to riot and bloodshed which had maddened them in that hall. I myself take the responsibility for these measures of protection.

He paused for breath, his face like a red sun at the edge of the land.

Ellis, who had remained standing, said softly and evenly: — Your Honor, I was not aware that this was the trial of Mr. Parker and the speakers at the meeting. I ask you to cite the United States Attorney for contempt and remove him from the court.

Judge Loring did not look up but said quietly, — The language of the District Attorney is a matter in which I alone am interested at the moment. Counsel need not concern himself with the conduct of this court.

— Counsel has every right to do so, your Honor, said Ellis. — This is all part and parcel of these circumstances and I ask that your Honor give us a delay until these circumstances are removed.

— The trial will proceed, said the Judge.

Ben sat down triumphantly. But there were no answering nods or back-slaps of approval from his coterie. Senior Counsel Thomas whispered to Junior Kerr that if Ben Hallett didn't stay the hell out of the courtroom from now on, he'd give up the damned case.

Mr. Ellis then asked, in the absence of any record, whether the Commissioner had any jurisdiction in this case.

The Judge, swallowing this impertinence along with the others, replied that he was qualified and ruled that the matter was not debatable.

Mr. Ellis sat down.

Mr. Kerr asked the Judge if it were necessary to go over the evidence already presented.

The Judge replied that he did not deem it necessary.

This brought Dana to his feet. — The previous examination was made when the prisoner had no counsel. This examination should proceed as though the arrest had just been made. I have no notes of previous testimony given.

The Judge veered a bit in Dana's direction and decided that the complaint should be read and the proceedings commenced anew.

The complaint was read by Mr. Kerr, and William Brent was called to the witness stand again.

Brent was a mean-looking man but his testimony was precise in spite of his drawl. He said, under prompting by Kerr, that he was an old friend of Colonel Suttle, knew Anthony Burns and that the black man, the prisoner at the bar, was he.

Dana and Ellis listened carefully as Brent began that part of his testimony upon which they had based the crux of their argument for the defense. The witness tossed off his next remark carelessly, unaware of their scrutiny.

— I saw Burns last on the Sunday previous to his absence. The date was the twentieth of March. He was missing on the twenty-fourth. I don't know why he left. Only from what he said.

Mr. Thomas did not know what ripples were widening in the minds of his opponents from this remark, dropped so casually. He was more intent on the insistence that the statement of the prisoner given in his interview with the Colonel be put into the record.

— Your Honor, objected Ellis, — the sixth section of the law provides that the testimony of the alleged prisoner shall not be taken.

— Testimony and admission are two different things, said Thomas smugly. — Naturally he cannot give testimony. He is the defendant in the suit.

Dana tried to save the point. — It is the height of cruelty to the prisoner to take advantage of the only power he has under this law, that of speech, to his detriment, while the claimant has not only his own rights, but, in these alleged confessions, a portion of the prisoner's.

The Judge pondered the question a moment or two. — I think that testimony in the law must be regarded as referring to evidence given by a witness and not to confessions or admissions.

At this, Parker began to heave around in his chair, clearing his throat and coughing violently. Dana and Ellis bent their heads toward him.

The Judge weakened under these wild signals of a storm. — Nevertheless, he added, — I am unwilling to prejudice the liberty of the prisoner and the counsel may pass the question for the present.

But Mr. Kerr wanted to know if questions on the testimony given by the prisoner might be asked and put down for future use if necessary, and the Judge agreed to that.

So Brent continued. Ellis wanted to object, but Dana said that they might as well hear everything that the opposition had to offer and take a chance on picking it to pieces later.

— I guess he didn't intend to run away, Brent testified. — That's what he said. He said he was at work on a vessel and he was tired and fell asleep and the vessel sailed away with him on board.

— There's a point there, Dana murmured. — They can't prove escape by that. They themselves say it was involuntary.

— When we went into the room, Brent said, — the first word from Burns was, How do you do, Mr. Charles? . . . The next thing was, Did I ever whip you, Anthony? . . . The answer was No. . . . The next question was, Did I ever hire you where you didn't want to go? . . . No, was the reply. . . . The Colonel said, Did you ever ask me for money that was not given you? . . . The answer was No. Then the Colonel asked him, Didn't I take the bed from my own house when you were sick and let you use it? . . . And the answer was Yes.

Parker and Phillips looked up at Tony. He was moving his head almost imperceptibly from left to right in the gesture for No.

— Why doesn't he stand up and shout that the whole business is a lie? growled Parker.

— Because he can see the outcome as plainly as you and me, said Phillips. — He doesn't consider it's worth a whipping.

— He then recognized me, said Mr. Brent, — and he said, How do you do, Master William? . . . I asked him if he was ready to go back and he said that he was. His mother is there with Colonel Suttle, and his brother and sister are also slaves of the Colonel's and live nearby.

— I move, your Honor, said Ellis, — that this entire testimony be stricken out. Witness is referring to persons as slaves. He has no legal evidence that they are.

— The witness must not refer to individuals as slaves, said the Judge.

— I don't know why not! They're bought and paid for or inherited by the Colonel and, according to the laws of where I come from, they're known as slaves.

Mr. Brent was beginning to get a little angry. Counsel Thomas got to

his feet apprehensively, shaking his head at Brent. Brent looked at him and lapsed into a sullen silence.

— When did you hire Mr. Burns? asked Thomas with as much blandness as he could muster.

— When I hired Burns, I gave my bond to Colonel Suttle, who claimed to own him, said Brent sarcastically, underlining the *claimed*. — The Colonel, being a resident of the Commonwealth of Virginia, stated that Burns was his slave. I don't know what proof he had at hand. In the passes he gave out to let Burns go to Virginia, he wrote down he was his boy.

— Maybe he was his boy, said Mr. Ellis, and the claimant's counsel jumped angrily to their feet and called on the Judge to strike down the inference and the inferer.

The Judge settled it by declaring the court recessed for lunch.

As the Judge rose and redistributed his robes about him, a great cheer came from the crowd outside the Courthouse. The Judge moved with reluctant dignity into his chambers as the others rushed to the window to see what had caused the outburst.

It was the Worcester Freedom Club, come to Boston to face the Court and the United States Marines after their own fashion. They were armed with a gigantic banner, stretched on two poles and bearing these fighting words:

THE WORCESTER FREEDOM CLUB  
WARM HEARTS AND FEARLESS SOULS  
TRUE TO THE UNION AND CONSTITUTION!

As the banner passed by the window, the observers could see on its reverse:

FREEDOM! NATIONAL LIBERTY — EQUALITY — FRATERNITY!

And a splotchy picture of the Goddess of Liberty and underneath:

SLAVERY SECTIONAL  
FREEDOM NATIONAL

The Freedom Club had rejected, at a mass meeting held a half-hour before, a proposal to back up the service of a writ of replevin by presenting their bare breasts to the guards and pressing through to the Marshal's office. This was the motion of Stephen Symonds Foster, an anti-slavery lecturer and Nonresistant, and author of a famous book about the American churches, titled *The Brotherhood of Thieves*. Mr. Foster had offered to



lead the action and had unbuttoned his shirt and seemed calm and confident about the success of his plan.

The meeting had suspended judgment for a brief pause, seeing the bayonet pierce the pale, sunken chest, crunching the bones as it turned sideways in the agitated hands of the defender; hearing the awful silence as the blood gushed out and the tumult as the guards turned on their comrade, the slayer, with horror, and the exultation of Foster as he lay dying.

Finally a stout merchant rose and said, — I move that we parade around the Courthouse every hour with our banners and placards to show the prisoner that we are with him in spirit and strike a blow for liberty at the same time.

With relief, this motion was seconded and passed with a shout and they fairly ran from the meeting room in Tremont Temple to the sun outside.

Their first turn around the Courthouse, just as the trial recessed, was successful. But the second time the chanting, shouting column swung past the front door of the Courthouse, Chief Taylor and four officers stopped the head of it, took away their beautiful banner and all their placards and deposited them in the Center Watchhouse. This time they were all non-resistants in fact and offered up their standard without a struggle and dispersed to small uncomfortable groups, silent and ashamed.

The shame was compounded a few minutes later when a parade of small boys, twenty in number, marched into the square. The oldest was fourteen, and in the rear toddled their small-fry brothers of four and five. They wore paper hats in the Napoleonic style and told everyone that they were going to rescue the prisoner. The crowd cheered them and looked slyly over at Chief Taylor. The Chief wisely turned tail on them and went back into the Courthouse. Some of the Worcester men, in savage self-abasement, stepped into this procession.

The abortive demonstration may have had some effect, because Smith the Caterer's colored waiters went on strike shortly afterwards and would not serve the Marshal's guard according to their contract.

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When the Court reassembled, the guards were in an ugly mood and looked no longer about with their cheery, bashful bestiality but mumbled to one another about the failure of the officials to provide them with their lunch.

Richard Dana was late again. He had tried to get into the law library and had been barred. His sleeve had been torn by a careless bayonet and when he got to the courtroom he found his seat occupied by a large pow-



erful man with a Panama hat on his head, holding a dead cigar between his lips. As Dana stood by the chair, this man leaned back and looked at him and rocked forward and spat between his legs. Dana was too enraged to speak to him but when the Judge came in and they all stood up, he said, — Mr. Commissioner. For the third time since this examination has begun, I have had my way to this courtroom obstructed by the bayonets of the guard. My relation to the prisoner is well known by now and yet I have not been able to see him or even consult the law library. And now, the crowning insult, I find my chair occupied by this lazy, lolling hound. I suggest you instruct the Marshal on proper trial procedure.

— I have no authority to direct the actions of the Marshal, said His Honor. The Marshal smiled.

Louis Varelli came to Dana's rescue. — Hey, Sullivan, he said. — Louis Varelli wants you should vamos.

Sullivan rose slowly and as he turned to pass Dana, he hit him a glancing blow with his shoulder which looked unintentional but which knocked the wind out of him for a moment.

Varelli drew a very clean silk handkerchief from his breast pocket and dusted the chair lightly, to the huge amusement of his men. He then gestured for Dana to sit and walked back to his bench.

Dana seethed at this claptrap, but he had to sit, and the flesh of his buttocks shrank and crawled as they seemed to feel the animal sweat ringing the chair, soaking up into them.

Outside the court came a great commotion; the sound of a struggle and a sharp cry of, Murder . . . murder! People crowded to the door for a moment and then came back with broad smiles on their faces. Albert Browne, the father of the boy held for murder, had just been tripped up by the last group of guards, after being spotted as a radical member of the Governor's Council from Salem, and had been carried out feet first by four of them. His cries continued all the way down the stairs and could be heard until the great doors at the entrance were slammed on him.

Ellis got to his feet and called for the cross-examination of William Brent. He tore into him with fury, positive that he would find something degrading with which to hold him up to scorn.

But Brent, looking at Burns instead of him during the questioning, showed great control. Yes, he owned slaves, bought them and inherited them. He was a wholesale grocery and commission agent. He had made arrangements to come to Boston with the Colonel out of friendship. No . . . certainly he had not expected the Colonel to pay his expenses or

remunerate him. He had never been on a similar expedition before. He had seen him frequently and had taken trips to Washington with him as a friend. They lodged together at the Revere House. His meeting with Burns had been in the jury room of the Courthouse. Burns had said certain things already testified to . . . that Tuesday, in Richmond, after Burns had left, he had written to the Colonel of the fact.

Ellis sat down in great disappointment at the man's coolness and contempt.

All Dana could get out of him was that Burns had a mother, a brother and a sister . . . that the words he had given as the admissions of Burns were not exactly as they were given but as nearly as he could recollect.

Brent was not the beast they had hoped. He was a grocer and obviously a shrewd one and a man in bondage was a commodity to be handled with cool judgment.

The claimant's counsel called Mr. Caleb Page to the stand and he was sworn. His testimony was also clear and cool. He was a teamster, residing in Somerville. He was with Burns in the jury room when the conversation before-mentioned took place. He did not hear the first of it but remembered the remark about the twelve-and-a-half cents a year. The Colonel had asked him if he had come in Captain Snow's vessel. Burns said, No. . . . He asked him whose vessel he came in, but Burns wouldn't answer.

Ellis cross-examined. He was a teamster in Milk Street. He worked? Yes, he worked for the Custom House, but he owned his own team. No, he was not an officer. Asa Butman hired him . . . said you're just the man I want.

— I came to the Courthouse with the prisoner; stayed three quarters of an hour. I walked behind him when he was taken. I am still employed by the Marshal. No, I have no written agreement, only his word of engagement. I am employed as . . .

Before he could finish, Dana said, — How came Butman to say you are just the man?

This caused a raucous laugh among the guards and Page got very red in the face.

Junior Kerr came to his rescue saying, — You don't have to answer that.

This being the best they could do, Dana and Ellis sat and the witness was excused.

Counsel Kerr, in a fake, casual, offhand manner of finality, got up from his chair, mopped his brow, whipping his handkerchief from his back pocket carefully and quickly, so as not to let his coat fall apart and reveal

the pistol in his belt. He gathered up the documents before him and laid them on the judge's bench.

— I am putting the record of the Court of Virginia into the case at this time, your Honor, he said.

The Judge patted them slightly with his white hand, as a man playing cards with trusted friends taps the pack before a deal instead of cutting.

Ellis rose quickly and went to the bench, reaching out for the documents.

— It will go into the case subject to objection from the prisoner's counsel, the Judge said quickly.

Ellis pushed the papers roughly about on the bench and said he would have several objections against the record that he would like to present. He picked up a thick calf-bound book containing the laws of the State of Virginia, looked at the title, and then threw it down with contempt and walked back to his seat, wiping his hands as though they were touched with filth.

Counsel Thomas took these histrionics calmly, but Junior Kerr was ire. — The record, your Honor, said Kerr stoutly, — is decisive of two points. First, that Anthony Burns owes service and labor; and second, that he has escaped. Please may your Honor examine the marks on the prisoner in the manner most agreeable to yourself, to see if they are at variance with those described in the document to prove the identity.

Thomas got up and cited the laws of Virginia relative to the power of its courts and of the court whose record had been abused. — Your Honor has everything before you to close the case, he said.

Judge Loring picked up the book. It was easier to look at and decide from than the man was. He was putting off looking at the man for a bit.

Richard Dana said, — A book here is presented to show that the man owes service and labor in Virginia. A book is not evidence.

— Well, said Thomas, acidly, — counsel should know that the proper way to prove the law of another state is by books. This was decided by our Supreme Court in Pickering.

The Judge put down the book carefully. There was an awkward silence. Mr. Ellis said despondently, — Saving exceptions, we are willing to close the case.

Mr. Thomas said with a little triumph in his voice, — If the book is not sufficient, I wish to prove the fact in another way.

— The book is in, said the Judge, — to go for what it will. Will the prisoner stand?

Anthony stood. He put his head back a little and crossed his hands in

front of him. He was quiet and unresistant in mind as well as body. There were beads of sweat on his dark skin and his eyeballs stuck out like huge tears.

The Judge looked down at the papers. They lay before him like sheets of steel . . . hard facts, stones and shards to hurl against this unresisting flesh. He began checking the description like an invoice, in a low murmur. — A man of dark complexion, about six feet high with a scar on one of his cheeks and also a scar on the back of his right hand and about twenty-three or -four years of age.

Anthony, still gripped by fear and hopelessness, put out his right hand as a well-trained dog does his paw. Parker, who had been quiet to this point, could not hold back a loud exhalation of impatience at the docility of the man, offering up the evidence for his own conviction.

But the Judge misunderstood it as a spasm of sympathy and fixed his eyes on the hand. It hung out of the cuff like a misshapen root, twisted and gnarled, a pulsing memory of pain. There was the red band of meat without skin, the chlorophyll of encompassing human life . . . And the bone humping up behind. It was so intolerably primary and naked that when the Judge turned his eyes away, everything else seemed artificial. The careful coiffures of the lawyers were like wigs, their pink-barbered faces like paper, and the clothes and dirty skins of the guards like trash and offal.

All but the reality of Parker's head hanging there in the center of the courtroom . . . all but the tenderness and sleekness of the bald skull and the sloping forehead and then, underneath, the terrible eyes . . . big and luminous, like pools of phosphorus. He could feel them weighing him and absorbing him and all the facts and fancies of the morning. He knew that he was lost deep behind the green and yellow flecks and that everything he had said and done thus far was swirling in their deeps, to be spewed out in time to come in bitter stinging anger and scorn.

— If the prisoner's counsel would like further delay to prepare exceptions, it will be granted, said the Judge.

Ellis and Dana exchanged looks of pleased surprise and then nodded their heads for Yes. The Judge struck his gavel and said, — At ten, tomorrow . . . and walked from the courtroom before the astonished friends and hirelings of the Colonel could catch their breath.

\* \* \* \* \*

The Negroes considered Wendell Phillips the best of all their friends . . . They went to Theodore Parker when they were in trouble but Phil-

lips exacted the greater tribute. They went to him when they thought he was in trouble.

And he had a look of deep despair on his coin-head features. He had made a great *faux pas* at the Friday meeting. And though he was officially one of Burns's attorneys and was considered by some people the greatest public speaker in the country, he hesitated about thrusting himself too actively into the case lest it be the kiss of death to the increasing sentiment among the Boston conservatives for the man's release.

He was unforgettably typed as a radical and a renegade to his class, and his calm, polished way of pressing unpopular issues without the saving grace of indignation made all his acts of unfaith a crime in cold blood. Thus he was filled with the strain of holding back his considerable powers and taking a back seat in the courtroom. It was wearing badly on him.

The genial custodian of the Courthouse, a wiseacre employed by the city, stopped him on his way out after the session and said, — Ain't you fellows got no witnesses to put up, Mr. Phillips?

— Not that I know of, said Phillips sadly. — We've been trying to get someone to speak in Burns's favor but we can't get any clues out of the prisoner. He won't tell us a word of where he was before he went to work for Coffin Pitts. Perhaps it's for the best. We'd have to construct some kind of a distorted story out of it. Mr. Dana seems to be content with pressing the moral issues.

— Moral issues be damned. Git the man an alibi. The custodian looked up and saw Ben Hallett coming down the corridor and slowing up a bit to do some eavesdropping. He beckoned for Phillips to bend nearer and said behind a sheltering hand, — See the little darky over there? He's been askin' for you all afternoon.

Phillips saw a small man standing shyly by one of the columns just out of reach of a huge Marine. He thanked the custodian and went to the man with a warm smile and his hand outstretched.

The custodian turned to Ben Hallett with an impudent smile. Ben stood silently for a moment, caressing his chin, anxious to pry into the text of the late conversation.

— Well, Mr. Hallett, the custodian said. — How's the world treating you these days?

Ben shook his head sadly and sighed. — Not very well, I'm afraid. The path of duty is a rough one, George. Since this thing started, they've been calling me every name in the calendar. On my way down the hall, some sniveling parson from up country called me a Judas. . . . However, I don't care.

— You don't care, cackled George. — But what does Judas say?

Ben gave him an icy, injured look and moved majestically on. He heard the man's happy cackle, repeating all the way down the steps:

— You don't care, but what does Judas say? I don't think it will set so well with him.

He walked slowly from the Courthouse to the office of the telegraph company. People looked away from him as he passed. He had a habit of nodding and smiling at everyone who was well dressed and respectable-looking, for political purposes, but now his greetings were unreturned. He was alarmed over this. It seemed as if all the passers-by had a familiar look to them and were cutting him out of malice and disgust. He had forgotten that this was Anniversary Week and that there were hundreds of strangers in town, and that he and the Marshal had everyone active in the Party, and looking for favors, on the payroll and on guard at the Courthouse.

Nick Queeny was at the telegraph office when Ben arrived. He had been stationed there to pick up any communication that might come through from the capital. He was really enjoying his life as a government employee. For the first time in his life, he was earning his bread with a dry brow. He was determined never to go back to the factory. But when Ben came in, he looked up at him with a feeling of guilt. He was writing again.

Ben took the paper away from him and said wearily, — Not another poem, Queeny? Do you have to rape the muse every time I turn my back?

— It's just a letter, sir, said Queeny. — I thought I'd write a nice letter to the papers while I was hanging around.

Ben couldn't make much out of it. There was a considerable amount of scratching out and revision. Ben sat heavily in one of the chairs and closed his eyes. — Read it to me, he said. — I've had a wretched day in court.

Queeny's Adam's apple bobbed a few times and then he began.

— *Since the passing of the law against fugitive slaves . . .*

— *Since the passage of the Fugitive Slave Law*, corrected Ben.

Queeny continued, — *It has been broken by Yankees only . . .*

— *It has been openly and violently resisted and violated in this city and elsewhere by the descendants of the Puritans only*, edited Ben.

— *But in no instance have the Irish . . .*

— *Have the Irish adopted citizens co-operated with them*, said Ben.

Queeny scribbled the corrections down. He continued in a faltering tone: — *The Irish took an oath . . .*

— Revise that, said Ben. — *The citizens of Boston, of Irish birth, have*



*taken a solemn oath to sustain the Constitution of this glorious Union.*

— *And they have never broken it*, said Queeny.

— Spread it out a little, said Ben. — The more space it takes up in the papers, the better. Like this. . . . *And to their honor, let it be spoken, they never have and never will be found to act inconsistently with the proper observance of that solemn observation.*

Queeny wrote down as much of that as he could. He had to admire Ben's easy flow of phrases. — I wish I could write like you, Mr. Hallett.

— You'll learn, Queeny, said Ben. — I'll make a politician out of you or I'll kill you. Or you'll kill me. You're coming along. You had the right idea there. It's a sad fact that some of our adopted citizens care more for law and order and the status quo than our native sons, who seem determined to bite the hand that feeds them.

Queeny looked at the ending of his letter. He wanted to put something all his own in there. Something poetical. — Couldn't we put something in out of mythology . . . like Romulus and Remus turning against the wolf . . .

— Talent dies hard, doesn't it, Queeny? But we couldn't say *bit the tit*, now could we?

Queeny had an idea Ben was pulling his leg. But before he could work up any real resentment, the telegraph began to chatter and the operator looked over at Ben. — It's for you, he said.

Ben moved over close to the counter as the man took down the message. — Read it, Ben said.

— It's from Washington, said the man. — Confidential.

— Read it. It's all right.

TO HONORABLE B. F. HALLETT, BOSTON, MASS. WHAT IS THE STATE OF THE CASE OF BURNS? SIDNEY WEBSTER, PRIVATE SECRETARY TO THE PRESIDENT.

— Wonderful! Glorious! said Ben. — At last they realize what we're going through here. Give me a piece of paper, quick!

He tore the sheet with the unfinished letter out of Nick's hand and began to write a reply.

THE CASE IS PROGRESSING AND NOT LIKELY TO CLOSE UNTIL THURSDAY. THEN ARMED RESISTANCE IS INDICATED. BUT TWO CITY COMPANIES ON DUTY. THE MARSHAL HAS ALL THE ARMED POSSE HE CAN MUSTER. MORE WILL BE NEEDED TO EXECUTE THE EXTRADITION IF ORDERED.



Ben paused here a moment in deep thought, weighing the question which was to be the crux of communication. Finally, he reached a decision and put it down in vigorously simple terms.

CAN THE NECESSARY EXPENSES OF THE CITY MILITIA BE PAID IF CALLED OUT BY THE MAYOR AT THE MARSHAL'S REQUEST? B. F. HALLETT.

He signed it with a flourish and gave it to the operator. — Put that right on the wire. Mr. Queeny, you will remain here until a reply comes through. I'll have some supper sent in for you. Stay all night if necessary.

He turned again at the door and said to the operator, — For God's sake, don't send any of that hogwash scribbled on the top of the page!

## THE EIGHTH WAVE

CHARLES MAYO ELLIS was not cast in the mold of the great lawyers. He was neither deliberate nor confident enough to build a series of notes slowly and patiently until they rang out all at once like a great chord of truth in the ears of the judge and jury. But his occasional incoherence gave his delivery a driving and unusual verbal tempo and he was a good man to open a case and to cross-examine. He was a mild man outside but in court he spoke with a controlled anger. In appearance he resembled a sheep dog. His thick curly hair began oddly far back on his forehead and cascaded down the back of his neck. Unruly wings of it fell and covered his ears. He had a long flat nose, spatulate at the end, and a long sharp chin, projected beyond it. He was extremely round-shouldered and when he was on his feet he bustled about, always in motion, snapping at the heels of the opposition and gently nudging his own charges into line with the strongest defense.

He began his day in court with a bark. — Mr. Commissioner, we need time. Most of the brief amount granted only a day or two to decide more than a man's life; when, if it involved only his coat, the wheels of justice could not be turned in a month. . . . This case involves novel questions of law but the Courthouse library has been locked up. Access to the Courthouse has been made difficult by the military force. The common avenues are entirely barred and impassable. The labor and fatigue of a hurried preparation have thus been multiplied. Precious as every instant is to one needing it to defend another's liberty, I have lost most of the few minutes of time allotted to consulting my client by being forbidden to ascend the stairway by soldiers with their bayonets pointed at my breast. Still, sir, we must go on.

— We shall offer evidence to contradict that produced by the claimant, evidence upon the facts in issue.

— At the same time we claim that there is no evidence here now that will justify the signing of a warrant of slavery.

— We stand on the presumption, of which you, sir, did well to remind counsel, of freedom and innocence.

Judge Loring settled back. Counsel Thomas shaped his body in the chair for a doze. Such talk of presumptions and freedom and innocence were signs of weakness and a presumption didn't amount to a hill of beans against an affidavit and an admission from the defendant. But Mr. Kerr caught a disturbing note of optimism in Ellis's voice. The Judge had sat back too soon. Ellis began to shake a finger at him.

— You sit there as both judge and jury, betwixt that man and slavery. Without a commission, without any accountability, without any right of challenge, you sit to render judgment. If against him, there is no tribunal that can review it or reverse it. You must proceed without delay, without any charge, on proofs defined only as such as may satisfy your mind. You may adjudge, and your judgment will be final forever.

He dropped the finger but the *forever* still stuck in the Judge's face. Counsel Thomas's doze was shattered forever and the guards gaped at the Judge as though a sentence of life and hereafter had been imposed upon him.

— The question here, said Ellis in a quieter tone,—is your own sense of reason and justice. The mind that is to decide this matter will not fail to weigh all these questions, the greater because of the dangers of its result, and require the claimant to prove his case beyond a possible doubt.

Thomas and Kerr began conferring anxiously. They were disturbed by the bold optimism in Ellis's face. Thomas pushed his chair back and fiddled with some papers. He seemed about to rise. Ellis struck at him.

— The claimant's lawyers have no case. They offer a paper or two which they call a record, one witness and a book they call the laws of Virginia. I design for a time to examine such a case as they venture to present, before proceeding to our answer.

Mr. Kerr got to his feet presumably to ask the Judge to have the defense put on its witnesses, if any, and get on with the trial. Ellis turned to him and said, — Saturday morning we asked for a delay to prepare the defense. The counsel of the claimant, against this presumption of the existing freedom and innocence of the man in the dock, and against his right, dared to say we have no defense to make. Yesterday, at the earliest hour, while we were reduced to gathering our facts as they are putting on their case, the counsel ventured to say the same thing. And now, sir, he rises

again to try and strike our weapons from our hands. On what sort of presumption does he operate?

Counsel Thomas pulled Kerr back into his chair. Ellis smiled and went on.

— Sir, I am happy to state that we shall offer proof that this atrocious charge and seizure, made on a false pretense of robbery, have no foundation in fact.

— The slave claimant's attorney said, too, that we have no defense to the case but against the law and that we came here to ask that it should be overridden and the Constitution violated. This, too, is not true. Not only have I never opposed the law but I have done something to stay resistance to it. I stand here for the prisoner, under and not against the law. I shall not shrink from debating the just limits of this bill of 1850. I avow my hatred, as a man and as a lawyer, of the bill. But, in reply to this remark of counsel, I will say that with these surroundings, with this form of seizure, charge, and procedure, in the midst of this Courthouse occupied like a fortress, with counsel detained by steel at their breasts, in a cause where claims are asserted and advocated by armed men, held in a room packed with political partisans, in a proceeding in which the sole law officer of the government, Mr. Benjamin Hallett, dared to dress down the presiding judge . . . that if there are persons who do need to be reminded that there is a Constitution and that there are laws, they are not counsel for the prisoner. It is not I.

Mr. Thomas, against his own better judgment, got to his feet and addressed the Court. — Your Honor, these comments on a man who is not here to defend himself are most insulting and hardly relevant to the proceeding. I beg the court to inform the gentleman that the United States Government is not on trial here, and to have him get to his evidence and end this Abolition diatribe.

The Judge regarded him blankly, trying to sift the law out of the injury, seeking for the proper words with which to admonish Ellis. Ellis spoke up.

— Please, sir, I cannot consent that the counsel for the claimant shall hint to me the line of my duty. I judge not of his course. I notice these things only because of his own provoking. I neither commend nor condemn their action. Their own consciences shall judge them.

He turned to Thomas, who was still standing and looking fixedly at the Judge in hope of getting him to call Ellis to a halt.

— One of the slave catcher's counsel, all expected to see here. The other appears in such a case for the first time. He has been a friend of mine.

I did not expect to see him here. As for myself, sooner than to lay my hand to the work of aiding in such a case, I would see it wither, and rather than speak one word for a slave claimant, I would be struck dumb forever.

— Your Honor, cried Thomas, — I submit that these remarks are not on the case but against the Slave Act.

— It is my duty so to remark, shouted Ellis, — and I am led to by this constant harping on the charge that we seek not a trial but a triumph over the law.

He went directly to the bench, speaking rapidly and intimately, whipping the tempo up.

— It is highly proper that the mind on the bench, which is to judge of fact and law, should perceive, clearly, everything in the position of the parties involved: the procedure, the circumstances and the results that may tend to disturb its balance. We stand here like blind and helpless wanderers without a single guidepost save the thing in which our dearest hopes are centered, your Honor's mind and judgment. May not that mind fail in the coming ruin!

Between the whipping and the pleading, the Judge was drawn into the vortex of Ellis's intensity. He sat slightly turned from him, looking at him once in a while with oblique fascination. The constant references to his mind and its power and importance gave it a high isolation from his frail body, and he let it float over the courtroom. He inadvertently caught sight of the red-faced belligerence of Counsel Thomas, still on his feet hoping to break the flow of Ellis's argument. He waved him to his seat in a detached manner, not wishing to speak or to depart from the marvelous suspension of the mind. Ellis went on, speaking with incredible swiftness and backing slowly up the aisle to his chair, like a man flying a kite.

— Sir, an attempt to mitigate the severity of this case by calling this trial a preliminary examination has been made and will be made again. Preliminary to what? The examination in Virginia was also a preliminary, I suppose. So shall each tinged with guilt lay this to his soul who acts at any stage. They know better when they say so. The law looks no further. Nothing is to follow. There is no postliminium. This is the final act on the farce of hearings. They know, we know, you know, that if you send him hence with them, he goes to the block, to the sugar or cotton plantation, to the lash under which Sims, who entered the dark portal, breathed out his life . . . and that man is a fool who expects me to believe otherwise.

— Your Honor, unless a case of overwhelming proof is presented, this certificate should be refused. They call one witness and as additional evi-

dence, produced a paper to prove the three facts of service, escape and identity. We claim that it is, on their own showing, a direct falsehood; as we can prove by competent witnesses that at the time of the alleged escape, the person charged was a free man at work in Massachusetts.

— I now wish to call William Jones as a witness for the defense who will prove that, contrary to the sworn statement of the claimant's witness, this man was in Boston on the first of March last, and not in Richmond, Virginia, on the nineteenth day of that month.

When Mr. Jones got to his feet and made his way to the stand, the Southern gentlemen chuckled and great guffaws burst from the guards.

— Look at the head on him, one shouted. It was an enormous head; like a baby's, rocking on a spindle-shanked body. His hair was not set like a neat wooly cap but sprung like a mass of blue steel shavings from his huge skull. His thin neck was fenced in by a very low white collar and when he turned his head, the collar and the black string tie stayed as rigid as if they were on a tailor's dummy.

Mr. Ellis turned and stared angrily at the mockers, but Mr. Jones didn't seem to mind. He sat in the chair and bowed to the Judge and took the oath in a crisp nasal Yankee voice as salty as a caricature.

Mr. Ellis put the question to him gingerly, wondering all the while if it had been wise to call a colored man for the first witness. After the first wave of amusement, the spectators on Suttle's side lapsed into an attitude of heavy, affected boredom, shifting restlessly in their seats and making the courtroom hum with the low plucking of light banter among them. The lawyers for the claimant shrugged their shoulders and turned their backs as if to say Well, this is the obvious thing.

Mr. Jones testified in his confident twang that he lived in South Boston and that he was a laborer. He knew Burns and had seen him first on Washington Street on the first of March.

This remark brought a slight lull in the obbligate of indifference. Mr. Kerr began to take notes. Mr. Thomas kept his back turned to both Ellis and the witness, but his fat back tensed up under his linen coat.

— I talked to him awhile, about half an hour by the clock, said Mr. Jones, precisely. — And then I employed him to go to work on the fourth day of March in the Mattapan Iron Works at South Boston. We worked at cleaning windows. He worked with me five days.

— Is there any particular reason why you should remember these exact dates, Mr. Jones? asked Ellis.

— Yes, Mr. Counselor. I always believe in havin' everything in writing. Put it in writing, I always say, and nobody'll skin you.



— We'll get him on that, whispered Thomas to Kerr. — That nigger can't write a line.

Mr. Jones drew a little notebook from his pocket. — I can't write myself, Mr. Counselor, he said, — so I went into Mr. Russell's store and asked him to put it down in my book. I agreed to give him eight cents a window, and when he got through with the job, I gave him a dollar and a half.

He looked over at Burns in a reproving way, clucking his tongue dryly. — He said I hadn't settled up with him right. He went to the clerk about it.

— But you had it all in the book, said Mr. Ellis in his brotherly way.

— I had it all in the book. Jes' get things in writing and you won't never get skinned. That's how I know I did go to South Boston to work with him on the fourth.

He gave Mr. Ellis the book and Ellis laid it on the Judge's desk. The Judge looked at it and laid it carefully on the other side of the desk, exactly opposite from the Virginia documents.

Mr. Ellis took his seat. He kept his head down to hide a smile. The opposition table was quiet. Silas Carleton, a policeman who was to be a witness for Colonel Suttle, began to jabber to Thomas. He shook his head toward Mr. Jones. Mr. Jones looked around the courtroom and up at the Judge. He started to get up and go to his seat, but Ellis waved him back.

Thomas and Kerr suddenly turned and faced him with hard and calculating eyes. The Southern students leaned forward in their chairs, staring malevolently. Mr. Jones looked a little puzzled. He didn't know he was being treated with the evil eye. He reached into his pocket, but instead of the dirty bandana which the Southerners thought would come out to claw at the expected sweat of fear springing out on his face, he brought out a pair of old spectacles. They were as thick as a skillet and missing the steel bow on one side, but he adjusted them with great dignity and peered back at them. He stuck his long neck forward and began to grin. Mr. Ellis smiled back at him and so did Theodore Parker, and Richard Dana gave him a friendly nod. With a cocky little shrug, he took them off again and put them away in his pocket. The leaning sorcerers, their evil exorcised, sank back in their seats. Mr. Thomas got up for the cross-examination.

— Now, Mr. Jones, said Thomas with heavy sarcasm. He walked to the witness stand, placed a hand on the rail and swung back to face the rear of the court.

Mr. Jones dove into his pocket again for the spectacles. This time he



did not put them on his nose but held them up a good eight inches before his eyes and gazed in bewilderment at Mr. Thomas's back. There was irreverent laughter from the guard at this. For a second or two, Mr. Thomas thought they were laughing with him, but then he turned uneasily and saw Mr. Jones was making him the butt. He faced Mr. Jones squarely, his face reddening. Mr. Jones narrowed his eyes and gave a good look at Mr. Thomas, and then put his spectacles away, sunk back and stared calmly up at the ceiling.

Thomas began to fire questions at Jones; his voice was tight and querulous. Mr. Jones answered him in high-pitched petulance.

Q. I suppose you know the prisoner for years. He was your schoolmate at Boston Latin, wasn't he?

A. Never saw him before that day on Washington Street.

Q. You just walked right up to him, a perfect stranger, and asked him to go to work for you?

A. He spoke to me first.

Q. What day of the week was this?

A. Can't recollect the day of the week. It was about the first of the week.

Q. Whereabouts on Washington Street? I suppose you can't recollect?

A. Just below the Commonwealth Office.

Q. Anyone with him?

A. He was alone.

Q. Dressed?

A. Yes. He was dressed, Mr. Counselor.

Mr. Jones brought out the spectacles at this and treated the groundlings to another guffaw.

Q. How was he dressed, Mr. Jones? How was he dressed?

A. He had lightish pants on.

Q. Lightish pants? Do you consider that a good description?

A. Good enough. It's not my business to examine his dress.

Q. Wouldn't you consider it odd if you saw a man on a March day with merely a lightish pair of pants?

A. He had a coat and cap on and shoes.

Q. What kind of coat and cap?

A. Lightish.

Mr. Thomas decided that Mr. Jones was too shrewd a witness to badger too closely and decided to let him run on a while and then trip him up on some inconsistency of detail. — Tell us a little about your conversation, Mr. Jones.

— Well, he asked me if I knew of anyone who wanted a man to work in a store. I asked him what he could do and he said he could do most anything. I took him from there to Mr. Russell's store and we went from there to Mr. Favor's shop.

Q. Mr. Russell's shop is right there on Washington Street?

A. No, sir. It's in the next street to Water Street.

Q. Are you referring to Mr. Gideon Russell?

A. I don't know, sir.

Q. You don't know. Then you don't know where you were?

A. No. I don't know Mr. Russell's Christian name.

Q. Please answer the question.

A. The Mr. Russell I know keeps a bootblack shop.

Q. Then Mr. Russell didn't want any blacks? Pardon me, Mr. Jones . . . any bootblacks?

A. I asked Mr. Russell to put down in that notebook that Mr. Burns was engaged for March the fourth, by me. Mr. Russell put down the black and white, Mr. Counselor.

Q. How long did it take him to put it in black and white?

A. About five minutes. Then we went to Mr. Favor's on Lincoln Street, stayed three quarters of an hour, and then to the apothecary shop under the United States Hotel.

Q. What did you go there for?

A. I went there to fool. I don't know what Mr. Burns went there for.

There was more laughter at this. The fickle guard was beginning to like Mr. Jones. He was a sharp fellow and they hung approvingly on every word he said. Mr. Thomas decided to drop his badgering now that the witness was gaining sympathy, and to pretend boredom at his garrulosity.

— Then what, Mr. Thomas said wearily. — Go on, Mr. Jones. You went to the apothecary shop.

— I fetched up there. I stayed there twenty-five minutes. I next went to Mr. Maddox's on Essex Street. He keeps a clothing store. I know his Christian name. It's Stephen, Mr. Thomas. I arrived there about two o'clock. Had nothing else to do but walk about the city. After leaving Mr. Maddox, I went to see Mr. Bell, the dancing master.

Q. Where did you leave Mr. Burns?

A. He came with me.

Q. Did you have a dancing lesson?

A. He wasn't in. Then we went down Washington to Kneeland

Street and then went home to South Boston. It was night when we arrived home.

Q. And where did you dine? This was quite a busy day.

A. I had not dined.

Q. Isn't that strange, Mr. Jones? Two gentlemen strolling leisurely about the town, fooling at the apothecary and the dancing master's, on an empty stomach?

A. I eat but one meal a day and I have no particular hour for it.

Mr. Thomas gave up. He sat down and motioned for Mr. Kerr to take over. Mr. Kerr decided to have a go at the weather.

Q. Was it a pleasant day to walk around in, this March first?

A. It was a little cold.

Q. What about the snow?

A. There might have been snow on the ground but I don't recollect. I don't recollect whether it snowed or rained. It might have rained twenty times. I wouldn't notice it. Mr. Burns stayed with me that night, the next night, the next and the next.

Q. You provided him with a hideaway I suppose?

A. I never expected to see this that I see here now.

Q. Then on the next day . . .

A. On the next day he came to the City Hall with me to see Mr. Gould. I don't know his Christian name. It was between ten and eleven o'clock. I wanted to get employment for myself. I wash windows and do odd jobs around the City Hall from time to time. Then I went to School Street and then went out to the Neck to take a walk and see what I could see.

Q. Was Mr. Burns . . .

A. Mr. Burns was with me all the time.

Q. And the next day?

A. I got up, washed my face and hands and went out to the Mattapan Works to see Mr. Sawyer the boss. I stayed two or three hours and talked about the job and then went home. Burns was with me all the time.

Q. Is this all down in the book?

A. I commenced to work at one o'clock cleaning the windows. Burns helped me. The next morning he went back to work with me.

Q. What about Mr. Burns's clothes? Did he leave them with you?

A. He had no trunk. We worked all day and the next day.

Q. Did you work during the snowstorm?

A. Never keep the run of the weather or the day of the week.

This brought another laugh from the guards. Mr. Thomas took over again.

Q. I suppose when Mr. Burns questioned the amount you paid him, you threw him out?

A. No. After finishing the job at the Iron Works, I took him with me up to City Hall to see Mr. Gould. Don't know his Christian name. There was no work to be done. On the eighteenth day of March, I went to work at the City Hall. Mr. Burns went with me about three times. He made the fire in the boiler for me and then he left and I never laid eyes on him again until Sunday morning when I saw him looking out of the window of the Courthouse.

Mr. Thomas called for a recess and it was given until three o'clock.

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After the recess, when the court was in order, Mr. Thomas, in ominous tones, called for Mr. Jones to take the stand again. This time he had some notes on Mr. Jones and felt sure that he could break him.

— Mr. Jones, he said, — according to your last testimony, you didn't see the prisoner again after the eighteenth of March until last Sunday morning, the twenty-eighth of May.

A. Yes, Mr. Counselor.

Q. Were you surprised to see him?

A. No, sir.

Q. You seem to imply here, Jones, that you left him or, rather, he left you. By the by, did you pay him for helping you with the boiler?

A. No.

Q. Then it was another incident where you withheld from the man money rightly earned.

Mr. Ellis objected. Objection sustained.

— I only raised the question, your Honor, on the basis of the witness's own testimony that the alleged Burns questioned him on payment for the window-cleaning job and went to the bookkeeper to see how much he had been cheated.

— What is your purpose, Mr. Thomas? said the Judge.

— To prove the lack of good faith and veracity in the witness, your Honor.

— Very well, you may proceed along these lines. Counsel for the defense may take exceptions which I will consider later.

Ellis sat down, disgusted.

Q. Is it not true, Jones, that you had engaged in a great many suspicious activities even before you saw Burns at the window?

Mr. Dana got up. — Your Honor, will you permit Counsel such carelessness with adjectives? The witness is not capable of answering that kind of question without prejudicing himself.

— No adjectives, if you please, Mr. Thomas, intoned the Judge.

— Yes, your Honor.

Q. Mr. Jones, did you know before Sunday that it was Mr. Burns who had been arrested?

A. Yes, Mr. Counsel. I heard of it first on Thursday. I came into the Police Court and the Municipal Court. They said there was a man arrested and I walked around, but I didn't believe it.

Q. When did you learn the awful truth?

A. One of the officers told me of the arrest.

Q. How did you know it was your former employee, or should I say your free-gratis boiler-tender?

A. The officer described him to me. He mentioned the scar.

Q. Then you suspected he might be the fugitive. Had Burns confided in you the story of his escape?

— Don't answer that, said Mr. Ellis. But Jones ignored him.

A. No, sir, but the officer, Mr. Horace Brown, was employed at the Iron Works when I worked there with Burns and he knew him by the scar. He said, The man that worked with you at the Iron Works the first week in March has been arrested as a fugitive slave. . . . What did you say, Mr. Ellis?

— Nothing, Mr. Jones, said Ellis, smiling broadly. — You've made your point.

— Never mind what Mr. Brown said, shouted Thomas. He glared angrily back at Mr. Kerr who could not forbear smiling at Mr. Jones's hits.

— Yes, sir, said Mr. Jones, — I heard Mr. Brown say he'd speak for himself later on.

— Answer the questions, Mr. Jones, said Judge Loring, but his tone was not harsh.

Mr. Thomas looked down at his notes again. He was filled with rage at the shrewdness of the witness. He lost his temper and began to brow-beat.

Q. If you were in such ignorance about this case, why did you call on Colonel Suttle?

A. That was after I had talked to Mr. Brown.

Q. Why did you call on Colonel Suttle? Was it to offer your services as a witness for the claimant?

A. No, sir.

Q. Did you bring your notebook with you to have him set down the terms for favorable testimony? Was it to exact the terms of betrayal of this window washer whom you befriended and hired only to have him go behind your back and question your honesty with your employer?

Mr. Ellis got to his feet again. Mr. Jones pulled out his glasses and looked at him and then motioned for him to sit down. Mr. Ellis did, but reluctantly.

A. No, Mr. Counselor, I went to call on Mr. Suttle to tell him that he had the wrong man.

Q. How did you know it was the wrong man if you hadn't even seen the man confined in the Courthouse?

A. Because Mr. Brown told me that it was the man who had worked for me on the first week of March. Mr. Suttle said his man was in Richmond on the twentieth of March. Then Mr. Suttle's man couldn't be my man, now could he, Mr. Thomas?

Thomas had to sit down and compose himself. He motioned roughly for Mr. Kerr to take over.

— Mr. Jones, said Mr. Kerr. — We're trying to find out why you came to testify for this man. It's a long time since March eighteenth. Surely you didn't go to all this trouble without being sure it was Mr. Burns. Has someone approached you on this matter within the last few days?

A. No, sir. I've had no conversation with anybody about this until yesterday.

Mr. Jones stopped for a moment and sized up Mr. Kerr. Mr. Kerr spoke in a low voice and did not attempt to bully. Mr. Jones spoke slowly. — I couldn't get in to see him. . . . I stood on the opposite side. His head was out of the window. It was on Sunday, near twelve o'clock. When Mr. Brown told me that my man had been taken, I went nearly crazy. I didn't even know his name until someone read it to me from the papers. It was in the paper too, about when he left Richmond, on the twentieth, it said. I called him John or Jack or any short name that came handy. He was a good boy. I was sorry to lose track of him. I went to the Marshal and asked to see him. The Marshal said he wouldn't even let his owner see him. There I was, knowing they had the wrong man; knowing he was shut up there and I couldn't help him.

Mr. Thomas and Mr. Kerr waited like cats to spring on some tiny betrayal as Jones went on. Dana and Ellis were tense and worried.

— I went to the meeting in Faneuil Hall, and I came from there and stood on Court Street until the mob had left, and then went up to the square.

He stopped, thinking about the meeting.

— Then what? said Counsel Thomas rising again.

— Then I went into the Courthouse.

— On Friday night you went into the Courthouse. Why, Mr. Jones? Why did you go into the Courthouse?

The answer came innocently and as smooth as butter.

— To protect the city property.

Over the laugh, Mr. Thomas bellowed, — And who employed you?

— I employed myself, came gently the answer.

— Did you employ yourself to come here with this crudely manufactured iron-work testimony?

— I came here because I saw a man looking out of a window.

Mr. Kerr took the lead again. He said softly, — You spent quite a lot of time around the Courthouse, Mr. Jones. Why didn't you tell all this at the first examination on Saturday? You might have saved us all a lot of time.

— I couldn't get in the Courthouse on Saturday. The guards drove me away. I stayed by the door until half-past seven Saturday night, and then I came back when the church bells rang on Sunday morning. Then I went to the Revere House to see Colonel Suttle again but he wasn't there. If it hadn't been for Mr. Phillips, I would never have got in. I'd never had the chance to tell you people that you got the wrong man.

Mr. Thomas got to his feet and pointed at Silas Carleton.

Q. Did you ever see that man?

A. Yes, sir. I saw him in the Marshal's office.

Q. Did you have words with him?

A. Yes, I had a few words with him. But I didn't tell him that Burns belonged to Colonel Suttle.

— Your Honor, I object. Witness was not asked that question, said Thomas.

— And I didn't say if I saw him I would advise him to go back.

— Mr. Jones, said the Judge, — please do not introduce comments until you are questioned. On motion of the Counsel, I will rule out reference to conversation with Officer Carleton. Court is adjourned until ten o'clock tomorrow.

\* \* \* \* \*



Ben Hallett did not attend court that day by request of the attorneys for the claimant. During the afternoon the tension of his enforced absence made the time drag. He decided to pay a call on General Edmands of the State Militia, now set up in headquarters at the Odlum Hotel.

The general was a small, pot-bellied man, a druggist by trade. He was undistinguished-looking except for a pair of unusually shapely legs which he took great care to cover with the finest and tightest of trousers. His legs, or rather, the look of his legs, had drawn him into the military service, where they could best be revealed by the short coat and the gold-striped red trousers of the officer's uniform. His home life was painful. His wife was an enormous woman with a mustache and facing her day in and day out had given him the bold set face that flinches not while looking into the cannon's mouth.

He had a fine room on the street floor of the hotel and the use of the lobby, but he was anxious about where the money was coming from to pay for it. He had had to wheedle fifty dollars out of his wife to pay for his current bills. — It's my only rest, he said. — Two weeks a year in camp and this is the only time I get away from that cussed pharmacy. I've put in over fifteen years there from seven in the morning to ten or eleven at night and I deserve a little pleasure.

She grudgingly gave him the money on the promise that it wouldn't happen again. — This is the last time, she warned. — I don't want you calling out any more troops to get drunk and insult women in the streets. You promised me you'd do the carpets this week but I'll let that go if you promise to wallpaper the privy on the Fourth.

He promised, and now he sat in uneasy splendor on the carved plush chairs of the hotel and heard the reports of his men who always stopped for a word or two with him on their way to the bar.

Ben Hallett, never one to let time go begging, came to see him around luncheon time. Ben thought it presented a good opportunity to get out more troops and he wanted the general's opinion on the matter.

— You told me this thing would be all cleaned up on Monday, said the general when Ben approached him. — My men or myself haven't realized a penny out of this so far. They're eating out of their own pockets. The caterer won't serve them any more. I'd arranged to feed from him on tick and now that's out.

— I've wired Washington for money, said Ben importantly.

— Washington? said the general.

— Why, yes, said Ben, regarding his fingernails. — The President. I've just heard from him. He's deeply interested.

The general covertly shoved his hand in his pocket and felt for his money. There was still a good-sized lump there.

— Shall we dine here, Ben, he said — or have a snack at the Revere House?

— This will be all right, Ben said, — if you're not tired of it.

— Well, said the general, — it is a little tiresome eating from the same cook three days in a row, but my men are constantly reporting on things and I can receive them right at the table.

— How many men have you got out now, General? asked Ben as they worked on their squab.

— Two full companies.

Ben dropped the carcass in disgust. — Two companies? What's that for? The corporal's guard?

— I can manage another company if you're sure about the money.

— For God's sake, don't be so pettifogging. You're not rolling pills now. Call out the whole brigade!

— The whole brigade! That's a thousand men, Ben. The Mayor won't stand for it.

— Too damn bad about him. I happen to be taking orders from Mr. Franklin Pierce.

— All right, said the general. — I'll do it. But you'll have to put it up to the Mayor. I wouldn't dare ask him.

— We'll write him a letter.

— Will you sign it, Ben? I'm in business here, you know. I'm not a political fellow, and the Mayor's a doctor. It don't do for a druggist to get the doctors down on him. You see what I mean?

— We'll have Watson sign it.

They both laughed at this, tossed off their dessert and went back to the general's room. Ben loved to write letters.

SIR:

From the indications of an armed resistance to the laws and the assurances of the military officers on duty, it is manifest that the force under the orders of Major General Edmands is not sufficient to preserve the peace of the city. He does not ask any aid to execute the Fugitive Slave Law as such. Nothing is required but the keeping of the peace and the suppression of organized rebellion.

To effect this, we respectfully submit that if bloodshed is to be

prevented in the public streets, there must be such a demonstration of military force as will overawe attack and avoid an inevitable conflict between the armed posse of the Marshal and the rioters. To this end, we request that you exercise the powers the law has confided to you and place under his command the entire brigade.

— Don't come right out flat with it, Ben, said the general nervously.

Ben scratched out the last part and substituted . . . place under his command such a body of the Volunteer Militia as will insure the peace of the city without a conflict. . . . Then added: We have no express authority to pledge the general government but we believe the expense incurred by such a military force will be met by the President.

— Now we'll get old Watson to sign this and shoot it over to the Mayor's office. We'll wait here a while for the reply. The whole brigade, General. Don't get chicken-hearted about this.

— Yes, Ben, said the general. . . . Maybe I'll paper the bedroom too, he thought.

The answer that came from the Mayor some time later gave Ben his first news of what had transpired in the trial that afternoon. When he read it, Ben erupted. — That's what happens when I stay away from the courtroom. What the hell's the matter with that Seth Thomas?

The general picked up the Mayor's communication from out of the splendid brass spittoon. It was brief.

GENERAL EDMANDS:

After a careful examination of the condition of the city since the turn of events in the trial of the fugitive, I feel justified in saying that one military company will be amply sufficient to maintain order and suppress rioting, acting in concert with the police.

— At nine o'clock tonight, therefore, you will please discharge one of the two companies on duty under your command.

Very respectfully yours,  
J. V. C. SMITH, Mayor

Underneath was scrawled informally, . . . *Let me see the color of your money!*

The general smoothed it out and put it sadly in his dispatch pocket. — He's right, Ben. We have no positive assurance. . . .

Ben got up and put on his hat. — Let's go down to the telegraph office, he said. He walked so fast, the general had to unhook his sword and carry it under his arm to keep up with him.

— Anything for me? Ben snarled at Nick, trying to ease his tender rump on the hard bench at the office.

— No, sir, said Nick.

— Well, stay here until there is, Ben growled, slamming the door on his way out.

With a curt good-by to the general, Ben got into a hack and went home.

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The delay in the answer to Ben's telegram had been caused by a wrangle in the Cabinet of the President. The case had been discussed on this level since Sunday when it was thought of so much importance that the Cabinet abstained from churchgoing to discuss it. There was agreement there that the slave should be returned as a token of the power of the Party. The press of Washington insisted on it. But Marcy, the Secretary of State, didn't want to stir up the North too much with military displays. He was busy with the administration plan for invading Cuba, a delicate question of tactics and public opinion. But Caleb Cushing, a Massachusetts man, sided strongly with Jeff Davis of Mississippi and it was finally agreed to send to Boston . . . under direct orders of the President . . . Colonel Cooper, Adjutant General of the United States Army. Davis and Cushing worked well as a team, wielding the two prongs of court control and military might between them, and the Party was already talking of dumping Pierce and heading the ticket for '56 with Davis and Cushing, loyal sons of the Union, without sectional differences.

Around nine that night, the message came through to Boston, and Queeny jogged across the Common and up the hill to Louisburg Square. Ben's house was dark and no one answered his bell-ringing. He went to the Odlum for the general and he was told that Edmands was over at Faneuil Hall.

Faneuil Hall was no longer a pesthouse of incitement and sedition. The city troops were quartered there, and had stamped out with drum taps and the measured footfalls of files on parade all the lurking echoes of Friday's congress of revolt.

But when Nick got to the stairs, the holiday soldiers were drawn up in sad and silent rows with presented arms and General Edmands was passing before them, ready to give the order for their dispersal.

The general had decided to dismiss both of the companies. He had heard more about the sharp turn in the case at the Courthouse and had figured that he wasn't going to be caught foolishly on guard in a city

suddenly quiet and unbesieged and in no mood to pay the bills for such a gaudy show of protection against itself.

He stood by the door, ready to give the order. One of the captains approached him and said, — The Company asks permission to drink a toast in place to the general, sir.

Edmands looked at him doubtfully. It was a nice thought but then he'd have to buy them a round and the thing could go on all night. While he was pondering his purse versus his popularity, he saw Nick enter and look for him. He waved him over.

Nick approached awkwardly, abashed by the spit and polish all around. He handed the general the message, wondering if he ought to salute or anything.

— It's for Mr. Hallett, he said. — But he wasn't home. I thought you'd better see it. It's from Washington.

The general read it slowly. Then with a happy smile he stepped to the center of the floor and said with an unmilitary wave of the arm, — Drink all you like, boys. . . . It's on the house. It's on the White House.

The boys broke ranks and tossed their little general in the air with joy, cheering him, the President and the Cabinet members, one by one. Even Ben Hallett came in for a cheer, for the message to him read:

INCUR ANY EXPENSE DEEMED NECESSARY BY THE MARSHAL OR YOURSELF FOR CITY MILITARY OR OTHERWISE, TO INSURE THE EXECUTION OF THE LAW. FRANKLIN PIERCE.

## THE NINTH WAVE

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BEN was far from popular with his colleagues dwelling nearby on Beacon Hill. But as he crossed the Common this morning on his way to the office, a number of them stopped for a word with him before walking swiftly on, ahead of his slow and stately stride. They all remarked on how well the trial was going. He realized that their comments were sneers and that it had become the general legal opinion that the government was losing its case. He smiled and nodded politely to them all, outwardly ignoring the sneers but inwardly he resolved to go to court that day and raise particular hell over the shilly-shallying of Judge Loring. He stopped first at the Odlum to see General Edmands. When he read the telegram, he decided that the events in the courtroom might not be so important after all and went to the Mayor's office with the general at once.

The Mayor was also pleased with the way the case was going at the moment.

— Well, gentlemen, he said with a smile, — I suppose you've come to tell me that there'll be no further use for the military. I can't pay them off right now, mind you. I'll have to get an appropriation from the aldermen and that's going to take some hammering. But I'll keep in touch.

He turned away. Ben winked at the general and said in a formal manner: — Mr. Mayor, the general and I deem it necessary that when the decision of the Commissioner is to be given, which will probably be Friday morning, the avenues and streets around the Courthouse should be cleared of the crowd and an ample military force be on guard to prevent riot or personal outrage, which are then to be anticipated, whatever may be the decision.

The Mayor laughed. — Whatever may be the decision! That's a good one. Have you any doubts after the line of witnesses on Burns's side?

— And we deem it necessary, continued Ben blandly, — that if the Marshal with his posse is required to pass through the streets, they should not

be crowded upon, molested or placed in a situation where it may be necessary for them to protect themselves by a resort to arms. This will require the entire military and police force of the city to prevent riots and assaults on the officers of the law in the discharge of their duty.

— Come off it, Ben, said the Mayor. — You've lost your case and you know it. Your boys might get mobbed, I won't deny that, but you had it coming to you. If it wasn't for my vote you'd all have been kicked out of the Courthouse last Sunday. I tried to do you a favor but it might have been better if I had kicked you out. For heaven's sake, Ben, be reasonable. Take a trip into the country. Go back to Barnstable. You've muffed this one.

He turned and sat at his desk. Ben stood there impassively, looking down at him. The Mayor rose angrily.

— You're getting my goat now, Ben. I'm still Mayor and I can have you escorted out of this office by my Chief of Police, and that tin soldier with you.

He was intentionally whipping himself into a tantrum. The moment he raised his voice to shout he felt a tremendous sense of relief and even elation. He shouted louder, filling the high-ceilinged room with his happy fury.

— You've made a lot of trouble for me. You've showed mighty little consideration for my position and my feelings. I've put myself on record against this law. I half-promised to speak at the mass meeting. I told the Police Department to keep their hands off this affair. Now, since I've been listening to you, I've involved myself, the Police Department and the City Militia in helping to send that man back. I'm through, Ben. You can go to hell on this thing. I'm through!

Ben continued in his best legal tones. — We repeat what we have said before. The United States Officers do not desire you to execute the process under the law of the United States. But they call on you as the conservator of law and order in this city to check those who may attempt to resist the lawful discharge of their duties by the Marshal's posse. Here is a copy of the authority derived from the President of the United States.

Ben tossed his trump card, the President's telegram, on the desk. After a few seconds' hesitation the Mayor read it without touching it. His face fell. He clawed a moment at his collar and went to the window overlooking the square in silence.

Ben crossed swiftly to him and said in a seductive undertone, — Let's let bygones be bygones, Doc. I know how it is. I'm in politics myself. Think of what it will mean to have a thousand men to pay off with an election



coming up. I'll see that you have the entire dispersal of the funds. There'll be between fifteen and twenty thousand dollars sent up here from Washington and it won't show on the city books at all.

The Mayor wheeled angrily. — Now you're trying to make a crook out of me! He picked up the telegram, crumpled it savagely in his fist and threw it at Ben. — Get out of here, the both of you!

He ran to the door and shouted, — Chief, Chief Taylor!

At this moment, an elegantly dressed soldier stepped by him into the room and gazed in wonder at his inflamed face. The Mayor closed the door quickly and came back into the room.

— Colonel Cooper, sir, Adjutant General of the United States Army. Which of you gentlemen is Mayor Smith?

— Me, said the Mayor, open-mouthed.

— I have been assigned to cover this situation under personal orders of the President, sir. I am at your service.

The Mayor shook hands with him limply, still too dumbfounded to comment.

Ben introduced himself and General Edmands. — I'm afraid His Honor doesn't appreciate the gravity of the crisis, Colonel. He has just refused to accede to our request for the full complement of the Militia.

The colonel looked coldly at the Mayor. — Civilians rarely do, he said. — However, Mr. Hallett, we have had two companies of troops under arms for forty-eight hours because of this, and I shall have them here as soon as possible.

He turned and saluted the Mayor.

— New York troops? The Mayor gulped and said. — All right, Ben, you win. Call 'em out. Get farmers with pitchforks, anything, anything!

— In writing, please, your Honor. I think you remember the correct form beginning, *Whereas* there is threatened a tumult, a riot, or a mob of men acting together, *et cetera* . . . ?

— I ought to, I've been writing nothing else for a week. . . . He wearily began to scratch on some official paper.

— Your arrival was most fortuitous, said Ben to Colonel Cooper.

— It was fortunate too, said the general, with New England nicety.

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The trial opened with a spadix of eight more witnesses around the Jones testimony. Mr. Brewer, a white man, the bookkeeper of the Mattapan Iron Works, gave testimony that Jones was indeed employed there on the days he mentioned. He had seen the colored man working with him, recognized

him as the prisoner at the bar. He had seen him with Jones when they asked for the job.

— I looked at the man and I asked Jones if he was his brother and Jones said, All men are brothers.

The guards smiled at this as if to say, That's Jones all right, he's a smart bastard.

— About the first of March, added Brewer, — after I settled with Jones, Burns came to me and asked me how much I paid Jones. I saw him enough to recognize him here. When I came in yesterday, Burns followed me all around the room with his eyes.

On the cross-examination, Brewer fixed the date by the entry in the cash book. He said he paid Jones \$1.50 on the fourth of March and made a final settlement on the twenty-eighth. He paid him in all \$33.50. He was excused. He had held up.

James F. Whittemore, a member of the City Council, had seen Burns cleaning the windows of the foundry on the eighth and ninth of March.

Thomas cross-examined carefully, knowing that his testimony would carry more weight than the others. Mr. Whittemore said he knew it was on the eighth of March because he had left Philadelphia on the sixth.

— I saw Burns for the first time since, yesterday morning. I came in to see if I could identify him. No one asked me to come but something was said about him cleaning windows at the Iron Works. I took my seat before looking at him. I turned around and saw Burns and immediately stated to the man sitting beside me that he was the man. I went to Mr. Ellis's office. It was rumored that an attempt would be made to prove that Burns was here before the middle of the month.

Thomas could not forbear to ask at what sort of place he had heard such a rumor. — It couldn't, by chance, be at 21 Cornhill?

Mr. Whittemore took this very calmly. — I heard it two nights ago at the Armory of the military company to which I belong, the Pulaski Guards. I heard there that Mr. Jones employed the prisoner on the first of March. I said nothing to anyone about it but made up my mind I would see the prisoner. When I did, I went to Mr. Ellis's office to offer my testimony.

Mr. Dana rose and said, — Mr. Whittemore, I'm afraid this testimony on your part will cause you to be considered one of Mr. Garrison's followers. Are you, sir?

— Objection, said Thomas, — question is irrelevant.

— I'll allow it, said the Judge, for the sake of the witness.

— That's ridiculous, said Whittemore, — I am the Lieutenant of the Pulaski Guards. I am sworn to carry out the full measure of the law in this

case. In politics I am a Hunker Whig. I would never suffer from the imputation of being a Free-soiler or an Abolitionist. I am a Hunker Whig.

When he stepped down, Mr. Thomas asked the bench for a recess and it was granted. When they reconvened, Ben Hallett was again at the desk of the Colonel's attorneys. The opposition came on like an avalanche in the persons of William C. Culver, H. N. Gilman, Rufus A. Putnam of the Iron Works, who remembered Burns well. All that the cross-examination could elicit was that Mr. Jones had talked to them a short time previously and refreshed their memories a bit.

Even Mr. Horace Brown, new brass badge and all, took the stand and doggedly insisted that Burns had cleaned his particular window while he was working for the Mattapan company and that he knew him by his general appearance and by the scar on his face. — I thought I should know him by this mark, he said, — and said so to some of the men in the police office.

And then Ellis called the stops of Mr. Jones's peregrinations of that mad March day when he and the man in the lightish pants, coat, and cap visited Mr. Stephen Maddox, colored, and asked him for a job. Mr. Maddox, a kindly man, fixed the time in a characteristic way, by offering his excuse for not hiring him. — I told him my outside work didn't begin for a couple of months and I would hire him then. The first of May, that is, that's what I can fix the time by.

Mr. John Favor, a white man with a carpenter shop on Lincoln Street, spoke of the visit of Jones and Burns. He had nothing to fix the time. But he stood so firm, respectable and foursquare, that the cross-examiner didn't press him further.

Thus ended the defense except for the summing-up. The other side would have to call rebutting witnesses.

Mr. Thomas was pretty bitter about things. He cursed Watson Freeman for not telling him about the visit of Jones. He was sure they could have drawn his fangs or bought him off if they had known of his plans. At least they could have dropped Brent's assertion that he had seen Burns on the twentieth. It was cruel to be brought to the brink of failure by that feeble, squinting, spring-haired ducky. He decided to put Carleton on the stand and roast him a bit, to make him lie out for all of them.

Carleton was nervous on the stand. He had actually talked to Jones but had said nothing about it, instead of blabbing to Ben Hallett as he did about everything else. But the Jones man looked like five cents' worth of dog meat . . . who would have thought he would ever matter?

Q. Do you know this man Jones, Mr. Carleton?

A. Yes sir.

Q. Have you had any conversation with him in the last few days?

A. Yes, sir. He came into the Marshal's office a few days ago when I was there and we got to talking about Burns and he said . . .

— I object to this testimony, your Honor, said Richard Dana. — Mr. Jones's testimony to the same conversation was ruled out previously by objection of the claimant's Counsel.

The Judge had no choice. He had to rule that no conversation to which the claimant's counsel had objected could be admitted.

Mr. Thomas waved Carleton abruptly off the stand and looked about for someone to hurl into the breach. His wildly roving eye fell on Ben Hallett, who pointed demandingly at Benjamin True, a dark, wall-eyed villainous-looking man with ample experience in court on the wrong side of the dock. Thomas called him to the stand.

Q. Have you had any conversation with the prisoner since you last gave testimony, Mr. True?

A. I have talked with Burns within the last day or two.

Mr. Dana objected to the question, saying it was not rebutting evidence.

Mr. Thomas said that he proposed to show by this witness that, by Burns's admission, he came to Boston on the nineteenth of April.

Mr. Thomas was glad for once for the objection, because it gave him a chance to put the right words into the mouth of the witness.

But Mr. Dana objected again, saying that the testimony of the man under arrest could not be received at all. — And I repeat, your Honor, it is not rebutting testimony. We introduced evidence that Burns was here on the first of March, as contradictory to Brent's testimony that Burns was in Virginia on the twentieth of March, and now they are simply reinforcing their former testimony. There is no rebuttal here.

The Judge, cowed by the unsuppressed anger and humiliation of Counsel Thomas, said he would admit the testimony. On the other hand, — If I change my mind subsequently, before the arguments, I will inform you, Mr. Dana.

Thomas swung quickly around to Benjamin True and began a ruffle of questions which fell on the witness like drumsticks. And as he thumped, the witness rumbled, his words vibrating with brute force.

— I am a constable of Boston. I first saw the prisoner on the night of his arrest. I was told the Marshal wanted to use me. I went to his office. He sent me upstairs to where the prisoner was confined. I was to stay there and see that no one came there except by the direction of the Marshal. I was armed with a pistol and a sword. There were six of us always in the room.

— The Marshal and Colonel Suttle came into the room on Wednesday night. I heard Burns speak to Colonel Suttle. I didn't hear Suttle say he must go back. At first he was scared. He has talked about Massachusetts, Virginia and other matters. I never threatened him or held out any promises to him. We treated him well. We tried to. We gave him newspapers, oranges, oyster stews and candy when he wished them. He can read and write.

Mr. Ellis tried again. — I object, Mr. Commissioner. These admissions should not be received. They intimidated him in the beginning and increased the intimidation hour by hour and day by day.

— Objection overruled, said the Judge. — Proceed, Mr. True.

True looked directly at him and said, — The conversation Mr. Thomas means was on Friday and Saturday. I asked him how long he had been here. He said about two months, perhaps a little short of that. He said he had been in Richmond, Virginia, before that time.

— That's all, thank you, Mr. True, said Thomas. — With this witness, your Honor, we wish to rest our case.

Mr. Dana, who had risen to cross-examine True, sat down again. The abrupt closing by Mr. Thomas had taken him by surprise. He had been sure that Jones would be re-examined. He himself saw many discrepancies in his own witness's testimony. But looking over at Counsel Thomas, still hot with fury, mopping his face and growling at Junior Kerr, he understood his desire to get it over with.

— Ask for a recess, Ellis said. — They're trying to catch you unprepared. Have you got your argument ready?

Dana showed him four or five scraps of paper and said, — I'm going to begin now. Let the Judge call a recess if he wishes.

In the silence that fell on the courtroom, the eyes of the spectators ran the triangle of the drama, from Dana to the Judge to the black man in the dock. None of them looked at Parker. They thought he was safely outside the shape of the conflict. They could not follow the often oblique line of fate which, in this case, had impaled him on all three of the points of decision.

Richard Dana looked at him, unkindly, because he felt his constant presence at the trial was to spur him. The Judge looked, unkindly too, because he thought Parker was there to spy on him. And Tony Burns gave him a smoldering look of hate because he was beginning to feel in his bones that, as the basic cause of all this expensive wrangling, he would be the subject of bitter and prolonged reprisal.

None but Parker knew that at this moment he had more at stake than

any of them. If Richard Dana convinced; the Judge yielded; and Anthony Burns walked out a free man . . . then that horrible moment at Faneuil Hall, that nightmare of wavering procrastination and sheer betrayal, would be snickered away, an unfortunate fiasco, a misadventure, high jinks for later reminiscence.

But if the man goes back, and Ben Hallett wins a taste of blood, who will suffer more than he in the backwash of failure? Who will be flayed more than he by foes and friends and endlessly by his own conscience? Who knows the ordeals which will begin the moment Anthony Burns leaves for a Southern barracoon and Theodore Parker remains in a Boston one?

He shifted restlessly in his seat and looked around to pull his mind away from the premature torment of his ego. He watched the court reporters, with their pencils poised, waiting to take down the best of Richard Dana. An involuntary smile began to twitch his lips. The reporters were looking at him now, whispering to one another behind cupped palms, and adding a few sly twigs to the roasting they had given him in the morning editions. He had lost the initiative, he had even lost the leadership, but the irony was that in their zeal to find the most spectacular scapegoat, the newspapers were giving it back to him.

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Richard Dana, with no more than a few scraps of paper for notes, rose to make his final plea. He stood clothed in innocence and self-trust, not in the least apologetic or mealy-mouthed.

— I congratulate you, sir, that your labors, so anxious and painful, are drawing to a close. I congratulate the Commonwealth of Massachusetts that, at length, by leave of the United States Marshal and the District Attorney of the United States, first had and obtained therefor, her Courts may be re-opened and her judges, suitors and witnesses may pass and re-pass without being obliged to satisfy hirelings of the United States Marshal and bayoneted foreigners, clothed in the uniform of our Army and Navy, that they have a right to be here. I congratulate the City of Boston, that her peace is to be no longer in danger. Yet I cannot help admit that some parts of the city were never so safe as when the Marshal had his posse of specials here in the Courthouse. Why, sir, people have not felt it necessary to lock their doors at night, the brothels have been tenanted only by women, fighting dogs and race horses have been unemployed and the Ann Street cellars show the signs of a coming millennium.

— I congratulate the Government of the United States, that its legal rep-



representative can return to his appropriate duties and that his sedulous presence will no longer be needed here in a private civil suit, for the purpose of intimidation, a purpose which his efforts the day before yesterday showed every desire to effect, which, though it did not influence this court in the least, I deeply regret your Honor did not put down at once . . . and bring to bear on him the judicial power of this tribunal.

— I congratulate the Marshal of the United States that the ordinary respectability of his character is to be no longer in danger from the character of the associates he is obliged to call about him. I congratulate the officers of the Army and Navy that they can be relieved from this service, which as gentlemen and soldiers surely they despise, and can draw off their noncommissioned officers, both drunk and sober, from this fortified slave pen, to the custody of the forts and fleets of our country, which have been left in peril, that this great Republic might add to its glories the trophies of one more captured slave.

— I offer these congratulations in the belief that the decision of your Honor will restore to freedom this man whom fraud and violence found a week ago a freeman on the soil of Massachusetts. But rather than that your decision should consign him to perpetual bondage, I would say: Let this session never break up! Let us sit here to the end of that man's life, or to the end of ours. . . . But, assured your Honor will carry through this trial, the presumption which you recognized in the outset, that this man is free until he is proved a slave, we look with confidence to a better termination.

— Sir Matthew Hale said it was better that nine men should escape than that one innocent man should suffer. This maxim has been approved by all jurists and statesmen from that day to this. It was applied in a case of murder, where one man's life was on one side and the interest of a community on the other.

When Dana said this he turned and gave a long meaningful look at Louis Varelli, who had been acquitted, in the face of seven witnesses, of the charge of murder of a woman whom he had thrown over the Charlestown Bridge. Varelli smiled and preened himself. His boys gazed at him in admiration.

— How much more should it be applied in a case like this, where on one side is something dearer than life and on the other no public interest whatever, but only the value of a few hundred pieces of silver, which the claimant himself, when it was offered to him, refused to receive?

This was another blow, full on Ben Hallett for counseling refusal of the offer, and glancing at Counsel Kerr who had urged it, arranged it, then



had failed to bring it off. It was here that Parker stopped feeling sorry for Richard Dana and began to feel a little envy. Dana came to a full stop here and let a pause blot out the justifiable pettiness of this sharp, personal attack. He began again in a different voice, trying to make the others feel the exultation of his rushing thoughts.

— It is not by rhetoric, but in human nature, by the judgment of mankind, that liberty is dearer than life. Men of honor set their lives at a pin's fee on a point of etiquette. Men imperil it for pleasure, for glory, for gain, for curiosity, and throw it away to escape poverty, disgrace or despair. Men have sought for death and have dug for it as for hid treasure. But when do men seek for slavery, for captivity? I have never been one of those who think human life is the highest thing. I believe there are things more sacred than life. Therefore I believe men may sacrifice their own lives and that the community, sometimes the single man, may take the lives of others. I had thought that this was the belief held by all mankind. But no, there are some in my sight now who care nothing for freedom!

Dana walked over to Anthony Burns and looked carefully at him. He seemed a great deal different from the cowering, piteously broken prisoner who had reluctantly submitted to Dana's offer of a defense. Tony had measured himself in the interim against the gun-toting, swinish free men of the Marshal's wolf pack and set a new mark for himself on the wall. Dana's next comment was made to Tony, calmly and for the purposes of identification.

— We have before us a free man.

He turned to the Judge and said in a conversational tone: — Colonel Suttle says there was a man in Virginia named Anthony Burns; that that man is a slave by the laws of Virginia and that he is his slave. He says he escaped from Virginia and that the prisoner at the bar is that Anthony Burns. He says all this. Let him prove it all. Let him fail in one point, let him fall short the width of a spider's thread in the proof of all of his horrid category, and the man goes free.

He turned back to Burns and leaned lightly against the rail of the box, he spoke slowly and sadly.

— On the point of identity, the most frequent, the most notorious and the most fatal mistakes have been made in all ages. One of the earliest and most pathetic narratives of Holy Writ is that of the patriarch, cautious, anxious, crying again and again . . . *Art thou my very son Esau* . . . and by a fatal error reversing a birthright, with consequences to be felt until the end of time.

He went back to the Judge, conversational again.

— You know, sir . . . they are matters of common knowledge . . . that a mother has taken to her bosom a stranger for a son, a few years absent at sea. Whole families and whole villages have been deceived and perplexed in the form and face of one whom they have known from a child. You have found it difficult to recognize your own classmates at the age of twenty-three, who left you in the sophomore year. Brothers have mistaken brothers. We have the comedy of errors. Let us not have the tragedy of errors.

— We have lately had a case in Indiana where a man was remanded upon identification of the claimant. It turned out to be a mistake and the injured party recovered two thousand dollars in damages. But who can tell you of the undiscovered mistakes, the numbers who have been hurried off, by some accidental resemblance of scars or cuts, or height, and fallen as drops, undistinguishable, into the black ocean of slavery?

Anthony, now getting embarrassed by the nearness and attention of Dana, had great drops of perspiration standing out on his face; and as Dana spoke, again standing in front of the prisoner, he looked and induced the looks of the court to Tony's forehead, and they watched with fascination the drops roll down his face and disappear into nothingness on his old black coat. Dana gave Tony his handkerchief, but Tony held it in his hand, not daring to use it for fear of provoking laughter and shame. Dana swung away from him and went to the Judge again.

— Make a mistake here and it will be irremediable. The man they seek has never lived under the Colonel's roof since he was a boy. He has always been leased out. The man you send away will be sold. He will never see the light of a Virginia sun. He will be sold at the first block, to perish after his first few years of unwanted service in the sugar fields of the deep South. Let us have no chance for a mistake, no doubt and no misgiving.

Dana here changed pace into a crisp, impersonal, cantering run of voice, moving around the courtroom, touching the books on the judge's bench, crossing to the defense table to pick up a quill and drop it and always keeping his back turned on Tony as though he had been shut out of the case from now on.

— Now, what is the evidence? One witness and a piece of paper. The paper cannot identify . . . the witness must. He cannot identify himself to us with any clarity. He says he is a grocer and lives in Richmond. Even this much is not good or bad. He leased, as an agent, the man who escaped, but knew him well years ago when the man was an adolescent; and he has not seen him, except occasionally in the street, since he has grown. He

knows he was a dark-complected man and had it put into the record. The prisoner at the bar is a full-blooded Negro. Dark complexions are not uncommon here or in Virginia. The man I defend is set off from us by one of the great primal divisions of the human race. It does not say so in the record. It might as well have omitted the sex of the fugitive. It says he has a scar. The prisoner bears on his right cheek a brand as wide as the palm of a hand. It says he has a scar on his right hand. The prisoner's hand is broken and a bone stands out from the back of it. It makes a hump an inch high and it hangs almost useless from the wrist.

At this point, as Dana had hoped, Tony was mopping his brow clumsily with his bad hand. First the purple scar was unveiled by the downward swipe of the white linen and then in his nervousness, the prisoner dropped the cloth and his humped hand shook nervously until he held it firmly with the other one. The Judge stared at it in horror. Dana came to him and spoke sharply.

— Now sir. . . . But the Judge could not turn his eyes away. — Now sir, said Dana again, bringing his hands down with a disturbing thump on the bench.

— This broken hand, this hump of bone in the midst, is the most noticeable thing in the identification of a slave. If that hand has lost its cunning, nobody hears it so soon and remembers it so well as the master. His right hand is the chief property his master has in him. Why does not Mr. Brent or the record allude to it? If Mr. Brent does know Anthony Burns of Richmond intimately, and has described him fully, the prisoner is not the man. That record is Mr. Brent on paper. His identification is his opinion. His opinion is influenced by the temper and motive and frame of mind of the witness. Remember, sir, the political excitement of the moment, the state of feeling between the North and South, the contest between the slave power and the free power. Remember this case is made a state issue by Virginia and a national question by the President. Every reading man in Virginia, with the pride of the old Dominion aroused in him, is turning his eyes to the results of this issue. This identification is made by a Virginian, testifying against a Negro in Massachusetts, with every powerful and controlling motive in the country enlisted for his success.

— Mr. Brent is shown a Negro, captured by the emissaries of an administration pledged to enforce an unpopular law. Mr. Brent admits he is dark-complected and has two scars. That's near enough. He is not very clear on this point and a vagueness is an advantage in this instance.

— But Mr. Brent is not vague about one fact. He knows that he saw this Anthony Burns in Richmond, Virginia, on the twentieth day of March

last, and that he disappeared from there on the twenty-fourth. He persists in saying he has made no mistake about this and I have no doubt he is right and honest in doing so. He did see Anthony Burns in Richmond, Virginia, on the twentieth day of March and Anthony Burns was first missing from there on the twenty-fourth. But the prisoner was in Boston, earning his living, through the entire month of March — from the first day forward. Of this your Honor cannot, on the proofs, entertain a reasonable doubt.

— And for our proofs we have Mr. Jones and his book and his story, so full of details, with such minuteness of dates and names and places that it must stand fully impregnable or be shattered to pieces. The fullest test has been tried and it has stood.

— Mr. Brewer, of another race, has come forward and backed up Mr. Jones. Mr. Whittemore, a member of the City Council and a Director of the Mattapan Iron Works, has said he knows the man and saw him directly after he returned from a trip, which set the date of March eighth firmly in his mind.

— Mr. Culver, Mr. Putnam and Mr. Gilman, foreman, machinist and teamster, respectively, at the Iron Works, have written memoranda to back up their testimony. Mr. Brown, one of the City Police, now on duty, recognized the prisoner as a man he had noticed before March tenth. Mr. Favor and Mr. Maddox remember this man and the time in which he came to them seeking employment.

— On a question of identity, numbers are everything. One man may mistake by accident, design or bias. Each man has his own mode and means and habits of observation and recollection. One observes one thing and one another. One sees him in one light or expression or position or action and another in another. Now if a considerable number of these independent observers combine on the same man, the chances of a mistake are lessened to an infinite degree. What other man could answer so many conditions, presented in so various ways? On point of time and place, too, each of these witnesses is an independent observer. These are not links in one chain, each depending on another. They are separate rays, from separate sources, settling on one point.

This discourse fascinated the Judge. He wished that some of his pupils were in court to hear this clear lesson on identity. He had an impulse to ask Richard Dana to lecture to his class at Harvard in the fall. He saw one of his pupils sitting next to Mr. Whittemore and looked sharply at him to see if he was taking it in. Dana thought he was looking at Whittemore. Dana suspected the look contained some political meaning, that the Judge

was trying to reassure himself with a contact with one of his own class and creed.

— Mr. Whittemore, your Honor, in answer to a question from me, whether he was under the odium of being either a Free-soiler or an Abolitionist, said he was a Hunker Whig. The Counsel thought that this was an irrelevant question. I thought it was vital. Not that the political relations of Mr. Whittemore would affect your Honor's mind, but that shows the witness has no bias on our side. We are anxious not only that your Honor shall believe our evidence but that the public should justify you in so doing. And there is no fear but that the press and the public mind will be perfectly at ease if it knows your Honor's judgment was founded in a fugitive slave case, in favor of the fugitive, on testimony of a man who has such a status as a Hunker Whig who is eke a trainband captain in a corps under arms.

Dana brought this out in a rather jovial, high-pitched joking tone, but the Judge sensed a deep insult underneath the suavity. Pitching me in there with my political bedfellows, he thought. Parker had a faint smile on his face at Dana's point. The Judge felt a twinge of anger take away his warmth toward Dana's skill and his half-formed invitation of a moment before was swept away in a gulf between them wider and deeper than the Charles itself.

— Colonel Suttle puts his case resolutely and unequivocally on the testimony of Mr. Brent and the admissions of the prisoner. We have proved that the prisoner was here on the first and the fifth and the tenth and the eighteenth of March. We have destroyed the burden of proof. We have aroused a reasonable doubt.

— By right I should not even mention the other point. It is clearly inadmissible. But as an aid to your Honor's judgment let me point out that the man was arrested suddenly, coming home at nightfall and hurried into custody by strange men in a strange place. Whether rightly or wrongly, he was claimed as a slave and his condition burst upon him in a flood of terror. This was at night. You saw him the next day. You remember his stupefied and terrified condition. You remember his hesitation, his timid glance around the room, even when looking into the mild face of justice. How little your kind words reassured him!

— Now, you are called upon to decide his fate upon the evidence of a few words, merely mumblings of assent or dissent. Perhaps the mere moving of the head, one way or another, construed by Mr. Brent into assent or dissent, to questions put to him by Colonel Suttle. Put to him at the moment the terrors of his situation first broke upon him. You have them on

the recollections of one man and that man under incalculable bias. If he has misapprehended the prisoner in one respect, he may in another. In one respect we know that he has. Brent testifies that when Colonel Suttle asked him if he wanted to go back, he said that he did. This we know is not true.

— The prisoner has denied it in every form. If he was willing to go back why did they not send to Coffin Pitts's shop and tell the prisoner that Colonel Suttle was at the Revere House and wanted him to return? No, sir, they lurked about the thievish corners of the streets and measured his height and his scars to see if he answered to the record and seized him by fraud and violence and hurried him into bonds and imprisonment. Some one hundred hired men, armed, keep him in this room dedicated to justice . . . making it a slave pen. One hundred and fifty bayonets of the regulars and fifteen hundred of the militia keep him without. If all that we see about us is necessary to keep a man who is willing to go back, pray sir, what shall we see when they shall get hold of a man who is *not* willing to go back?

At this the spectators, who had been quiet during the whole of the speech, could contain themselves no longer. They cheered and clapped their hands, Free-soilers and Whigs. The Southern students cheered and even one or two of the Marshal's guard stamped their feet until they were angrily silenced by Louis Varelli. They were the only ones amenable to discipline in this courtroom, for the Judge let the others roar on and lifted not a finger; and it was Richard Dana himself, more concerned than anybody there that the decorum of the court be maintained, who silenced them with an angry look and a wave of his hand. And even that was not enough to secure perfect order, so he took his seat and swerved around at them and waited, like a concert artist, for utter silence before he rose again to close his plea.

— You recognized, sir, in the beginning, the presumption of Freedom. Hold to it now, as to the sheet anchor of your peace of mind as well as of his safety. If you commit a mistake in favor of the man, a pecuniary value, not great, is put at hazard. If against him, a free man is made a slave forever. If you have, on the evidence or on the law, the doubt of a reasoning and reasonable mind, an intelligent misgiving, I implore you, in view of the cruel character of this law, in view of the dreadful consequences of a mistake, send him not away with that tormenting doubt on your mind. It may turn to a torturing certainty. The eyes of millions are upon you. You are to do an act which will hold its place in the history of America, in the history of the progress of the human race. May your judgment be for liberty and not for slavery, for happiness and not for wretchedness, for hope



and not despair and maybe the blessing of Him that is ready to perish may come upon you.

He was finished and so he sat. Ellis and Parker shook his hand with great esteem. There was no general demonstration this time. But there was a mass exhalation from tensed lungs. Then, too, the anticlimax of Counsel Thomas's argument was yet to come. Counsel Thomas was able and eloquent and made much more money at his trade than Richard Dana.

He rose to address the court, but he was not in the mood to match blow for blow with his opponent. He began by saying it was late and he would rather have a night's sleep before continuing. Dana objected to a recess and so Counsel Thomas said he would go on.

— The Counsel for the defendant commenced his enclosing argument with some congratulations to the court, the Marshal and the City . . . and others. I have some congratulations to offer. To the Marshal, who has shown, in the discharge of his difficult task, firmness, prudence and kindness to the defendant. To the presiding judge, who has shown equal fairness and liberality to both sides. These and more, I congratulate that they are to be relieved from a service that they had entered into from a deep sense of duty and from which they could retire with a consciousness that the blood of the murdered man did not rest upon them. I, too, can congratulate the City of Boston, that order was supreme, that Faneuil Hall, the cradle of law as well as of liberty, was closed against the blasphemy of Almighty God, and to charges of murder done by this court . . . made a day or two since by one who, though not a lawyer, but claiming to be a minister of the gospel, has the assurance to come here within the bar and occupy a privileged seat.

With this swipe at Parker, Thomas shot his bolt. He was tired and his feet hurt and he was not going to match himself against Dana on the speech. He cited again that it was a civil action to be based on two points. That the man owed service and labor, and that he escaped. And that the statute says that the owner may apply to any Court in Virginia and get a record of proof that the man owes service and, with further evidence, such as a witness for identification of the person escaping, can cause the man to be given up in any state in the Union. He heaped scorn on the defense witnesses, called their testimony manufactured in the routine legal way.

— It is the law and it has been pronounced constitutional by the Supreme Court. Why shouldn't my client have the benefit of it? What sort of a law is that which, when practically applied to a state of facts, from being objectionable to a class of persons, fails to secure such rights?



— To secure these rights I leave these points, so arduously recapitulated, in your hands. I am not conscious of having said or done anything in the course of the examination that need have provoked personal hostility. My connection with the case has been strictly professional. The extraordinary bitterness of opposing counsel has not changed my purpose or my direct course. The record is conclusive of two facts: that the person owed service and escaped. That record, with the testimony of Brent and the admissions, proves the identity. I take leave of the case confident of the proof presented and confident in the majesty of the law, and confident that the determination here will be just. . . .

And so the examination was over. There would be no decision until Friday, because the Circuit Court would need the room for the next day.

Richard Dana was acclaimed a hero and cheered from the door of the Courtroom to the Cambridge omnibus. He himself was pleased with his speech. He thought it was the best one he had ever made, and was sure that the case was won. Only one small doubt kept plucking at his soft and sunny mantle of joy. . . . He didn't take any notes, he thought. The Judge didn't take one note, during all of my speech.

But that was only a few small potatoes in his harvest of triumph.

## THE TENTH WAVE

THURSDAY passed in the trough between the ninth wave and the big one coming. Richard Dana's speech lay like a lullaby on the angry hearts of the people, shutting out the thoughts of the wrath to come. John Augustus told it to his ragamuffin school on the steps of the Courthouse and the merchants at the Exchange on State Street vied with one another in trying to catch the longest flow of remembering. A petition to repeal the Slave Act had been circulating there under the hand of John Pierson, who had been its greatest supporter, and it had to be replaced again and again.

Colonel Suttle felt the optimism driving through his guards and his barricades in the attic of the Revere House. He sent William Brent, with his hat pulled down and affecting a limp, to round up some fellow Southerners for a meeting in his rooms to rally his falling spirits.

The news of the Colonel's distress soon reached the University and Moncure Conway was asked to go with the others to the Revere House to console and consult with the master of Anthony Burns.

Conway did not feel that it was compromising his principles to attend the meeting. He had made up his mind not to be isolated from his neighbors and countrymen. He still felt he could inject moral suasion into their camp.

He was ashamed of the Colonel's hideout and offended by the odor of drinking and the feral, cavelike atmosphere of the quarters. The Colonel seemed crude and vulgar compared to the others, and his eyes were ringed with an unmanly red, almost as though he had been weeping.

After the drinks had been handed around, the Colonel announced that he was going to take Burns back regardless of the Commissioner's decision. This was greeted with cheers and sage nods, for all of them had joined in the general belief that Dana's speech and the witnesses collected by Wendell Phillips would get the man off. Suttle said that Ben Hallett had told

him that it was all right and that Colonel Cooper, sent up from Washington by the President himself, would assist.

Nobody believed the Colonel, who was quite drunk. Moncure was beginning to feel sorry for him in spite of himself. The Colonel said that Tony was a good boy, and it wasn't his fault that all this trouble had been stirred up. He blamed it on the Abolitionists and their desire to exploit a helpless Negro for their own ends. Moncure pondered this argument. It could be convincing when skillfully presented. At any rate, it was nice to be among this home talk for a change, and the Colonel remembered him and apologized for the little fracas they had a few years ago. Then a man named Dennis, from North Carolina, began to talk. He was at the Divinity School and lived next to Moncure. Moncure had scarcely heard him open his mouth before except to offer prayers in the chapel, so he was surprised to hear him become so voluble all of a sudden.

— It's sheer hypocrisy to believe that they have any love for the nigras, he said in a fruity voice. — The arch-Abolitionist, Parker, really despises them.

— He is? He does, sure enough? said the Colonel happily, rising out of his stupor.

— Why certainly . . . Let me tell you a story about Parker. He has a church there at Brimstone Corner . . . That's what they call it because he's such a devil, I reckon. Well, suh . . . one of his better class of parishioners got mighty tired of all that Abolitionist trash, and he gave his pew to a big nigra. Well, suh . . . in comes the darky on the next Sunday, dressed to the nines, and he takes a seat in his pew. Everybody moves away from him.

The others laughed at this, following the story with great intentness.

— The next Sunday, the pew door was locked, so he just stood there on his big feet while everybody moved as far as they could away from him. The next Sunday . . . He paused dramatically. — The door of the church was locked and a man came up to him and bought the pew back for foah hundred dollars.

There was happy laughter all around at this story. But Conway didn't laugh and Dennis caught sight of his long face, striving to bear and forbear.

— What's the matter, Conway? Oh, I forgot, everybody. Parker is Conway's ideal.

— It's not true, that's all.

— What do you mean, it's not true? Do you think he loves the nigras like he says? At least I give the man credit for some intelligence.

— I don't know whether he loves them or hates them. But I do know that his church isn't on Brimstone Corner, and that no one could buy a

pew in his church because his church is in the Music Hall. There's no pews there at all. It's used for concerts during the week, and I've seen with my own eyes at least a hundred Negroes there, Sunday after Sunday.

— Whose side are you on? demanded Dennis.

— I'm not taking sides, Moncure said. — But let's tell the truth about things.

— Are you callin' me a liar?

— Throw the nigger-lover out, came a voice from the rear of the room, and suddenly Moncure was ringed about with hard and threatening eyes.

— Neighbors . . . Friends . . . Moncure said. — Let's face this thing honestly. I want to help both sides. We've lived together, worked together, prayed together. Can't we make things a little easier?

— Throw the nigger-lover out, came the voice, and Moncure felt himself roughly seized and thrust out of the door.

After a brief struggle with his old loyalties, he went straight to Parker's house and told him there was a plot being developed to seize Burns and carry him off regardless of the outcome of the trial.

Back in the hotel room, conversation lagged and the tears began to well again into the Colonel's bloodshot eyes. Then a message came for him to pack and be ready to go to the Navy Yard and board a Navy cutter there.

— They're going to lynch me, he wailed. — I'll be lucky to get out of here alive!

His hands shook as he picked his soiled clothes out of the clutter of bottles and debris that had gathered about his seclusion of the past few days.

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Parker asked Conway to stay awhile until he had written out a leaflet to cover the turn of events. They sat in the study with the door shut to keep the nasty cough that he developed since the mass meeting from disturbing the household, now all in bed. Conway turned over some of Parker's rare French and German books, which had climbed, on simple board shelves, from the formal study on the second floor up the stairways to the attic and down to the entrance hall.

— Have you got a fair hand? Parker asked him. — My wife usually copies these things out for the printer, but she's gone to bed.

— Tolerably fair, Moncure said. — I'd be very glad to copy it out and take it to the printer, if you wish.

— I would wish. I seem to have a pain in my side. A little pleurisy, I guess, and something of a fever.

— Would you like me to get a doctor for you?

— Oh, no, dear boy. It's nothing. Events like these always make me sick. Usually, it's my stomach. There's a good pen there. I'd better read you this thing. Don't bother about the spacing. Garrison will attend to that.

— Perhaps you'd better let it wait until morning. It's almost eleven.

— No. Garrison will get up if you knock on his door on the way to Cornhill. He's a regular fireman . . . sleeps with his anti-slavery boots on.

— I was thinking of you, Mr. Parker. You should get some sleep with that fever and the cough.

— My cough and fever should be the most of our troubles. I like to work at night. In the dead of night, I seem most alive. But the practical side of the matter is that the market men pick up our material on their early visits to Faneuil Hall and the Quincy Building and distribute them out among the towns on their way home.

— Fire away, sir, Moncure said, his pen in hand.

— AMERICANS! FREEMEN! *It has now been established out of the mouths of many witnesses that the poor prisoner now in the Slave Pen, Court Square, is not the slave of the kidnaper, Suttle.*

Moncure's pen faltered a little at this last. Parker watched him with amusement. Moncure looked up at him out of the corner of his eye and then looked down in embarrassment, spattering the sentence with exclamation marks.

— You think he is, don't you, Mr. Conway? Parker said.

— I've always known Suttle to be a truthful man, Conway said.

— Well, I've always known Richard Dana to be truthful and he says he isn't, Parker laughed. — Perhaps he isn't a slave in the Pickwickian or Garrisonian sense. Here we must lean on the exalted humbuggery of the higher law. What Jesuits we have become in these days of trouble.

— Yes, sir. Now what comes after *kidnaper, Suttle*?

— *Commissioner Loring will doubtless so decide today! The spirit of our laws and the hearts within us declare that a man must not be tried twice for the same offense.*

— *But will the victim be set free? Believe it not until you see it. The Fugitive Slave Law was framed with a devilish cunning to meet such cases. It allows that if one commissioner refuses to deliver up a man claimed as a slave to his pursuer, he may be taken before a second commissioner and a third, until someone is found base enough to do the deed.*

— Put this in capitals as a new heading. HALLETT IS AT WORK. *Burns will be seized again, have another mock trial and be forced away. See you to it. Let there be no armed resistance, but let the whole people turn out and line the streets and look upon the shame and disgrace of Boston and*

*then go away and take measures to elect men to office who will better guard the honor of the state and capital. Per order of the Vigilance Committee.*

Parker here was taken with a prolonged fit of coughing. He indicated to Conway that this was the end of the message and then pointed downstairs and said he'd be back . . . in a choked whisper.

While he was gone, there was a great clatter on Essex Street and Conway, at the window, could see a company of mounted Dragoons riding to the morning mobilization. The moonlight glittered on their polished gear and glowed soft on their gunmetal helmets. There were so many of them that he could hear the leather slapping and stretching on their plump horses and could smell the sweat.

— They're all asleep, said Parker, coming back, — I have listened at their doors and can hear their breathing. . . . He crossed to join Conway at the window and shook his head at what he saw. — Dragoons in Boston streets. It's more like Berlin or Moscow. Well, there is to be a day of retribution for all this. Chastisement must come to us all.

He lit a candle at his desk and motioned for Conway to follow him as he stepped out into the hallway and made for a narrow set of stairs leading to a skylight in the roof.

— I never expected to hear you preaching *Dies Irae*, Mr. Parker, said Conway, following him.

— I don't believe in a God of wrath, Conway. Logic alone will bring it on. The slaveholders will be driven by their logic to demand what the North cannot give. Then comes the split, not without blood.

— What if the country doesn't split?

Before answering him, Parker threw open the skylight and pushed himself up to where he could sit on the roof. Conway joined him. The moon was almost sun-bright and they could see the long lines of mounted troops, helmets glittering in the night light, reaching back up Essex Street. Parker lifted the candle for a moment, looking intently over the roof and to the adjoining one. Then he blew it out.

— What if a squad or two of those Hunker Cavalrymen did a right turn and galloped up to this house to arrest me for treason against the government? What would you do, Conway? Would you defend me? Would you help me escape over the roofs? Would you hide me in your room at the Divinity School?

— I'd do my best to help any innocent man.

— But what if I weren't innocent? What if I had committed treason, according to their definition? Would you then?

— I would have to hear you say your guilt from your own lips, sir. I wouldn't judge you by what others think.

— What if I said that I was as guilty as your fellow Virginian, George Washington, was to his government? What if I said that the Revolution wasn't completed and more blood must be shed before we get it right?

— I don't know what you're getting at, Mr. Parker, but I think I know enough about you to trust in what you do.

Parker laughed. — You know very little about me. That leaflet you just copied out, for all you know, might be a signal for an armed uprising against these troops if Burns is not set free.

A small cloud, riding like a swan against the moon, passed before it and suddenly everything got dark. Conway felt a sudden coldness too, as if the moon had stolen the sun's heat as well as its light and was now shut off.

— Don't you think it's a little cold for you up here, Mr. Parker? . . . When you're not feeling well.

Parker lit the candle again and took one last look at the sky and the roof. — That small cloud, he said. — It's like the one that was no bigger than a hand. Look at it now, shutting off all our light.

They went back into the study again. Conway wondered if Parker had expected him to make an affirmation of some kind. He picked up the leaflet positively, without reluctance. — I'll see that Mr. Garrison gets this.

Parker opened the door ready to say good night. Conway lingered, trying to think of a prolonging theme. — I've been offered a church in the West. In Cincinnati.

— Don't go West, Conway, regardless of Horace's advice. The apples are coarse and dry and the women have no bosoms. They are totally lacking in any glandular development whatsoever.

Moncure left in embarrassment, wondering if his leg had been pulled.

\* \* \* \* \*

On this night, Edward Greely Loring, Judge of Probate and U. S. Commissioner, sat alone in his study. He had spent the day on a drive into the country to avoid interruption from partisans of both sides of the question it was now his duty to decide. When he got back, he was surprised to hear that nobody had called. Now, sitting in abject loneliness with his lawbooks strewn about him, he devoutly wished for a caller, an interruption. And as he turned the problem over in his mind, he passed from a desire to be left alone into the wish to be bothered and pleaded with . . . and then even to be chivied and threatened. Then finally, he came full circle and wanted to cry out at this desertion. Where was the family in his hour of need? Where



was the counsel of the Supreme Court Justice and George T.? The bell tinkled in the hall. The maid answered and then knocked quietly at the study door. He opened it to her and she handed him a package, carefully wrapped. He laid it on his desk and tore the paper nervously away. It was from Justice Curtis, and it was his Bible. He lifted the lid in wonder and there, interleaved at Luke XX lay, in a copperplate hand, a well-reasoned decision on the rendition of the slave Anthony Burns.

\* \* \* \* \*

Up in the jurors' room in the Courthouse that was Colonel Suttle's slave pen, the ruffians of the Marshal's guard were performing an ancient rite. They were adorning the victim for the sacrifice. They had bought Tony a suit of good, black broadcloth and he was trying it on with calmness and courtesy. They had grown quite fond of him while dwelling together with him. He was an easy man to live with, even-tempered and quiet. More than once, he had broken up quarrels between them over food or drink or winnings from their interminable card game. And he had performed this delicate office with finesse, not letting anyone lose face in the process.

They had brought him a banjo and asked him to sing and dance like the stage darkies, and he had laid it aside, unoffended, and with a forgiving smile. After the first days had passed, he had eaten with them, and when they persisted in asking him for a song, had hummed a few hymns and spoken some of the simple elegies of his race. That he was hunted, and beyond the pale, made him consonant with them, and they all agreed with a nod of their heads that he had lived up to the highest requirement put upon a black man. He had kept his place.

This night was like a circus night to the boys of Boston. They sat sleepy-eyed on the curbstones watching the detachments arrive. The market men unloaded their strawberries and took on their barrels of fish. The small boys were begging for milk and hooking it if denied, armed with their own jugs, swiped from the pantry in the dark, cool hours. They played tag and chased each other through the fires and under the hairy hoofs and championing mouths of the horses and strewed rubbish all over the cobblestones, trying to provoke the teamsters and stall keepers to chase them up and down the alleys with barrel staves. Some of the men gave them leaflets to spread, and they began to whiten the streets up to the Courthouse.

The square-capped printers in Pie Alley ate their breakfasts, prepared to work around the clock, throwing off edition after edition, as the news grew and split and grew again.

At seven, just after the sun had cleared the horizon over the mole, four

horses swept into Court Square with a brass cannon shining like a sunbolt, followed by Horse Marines from the Navy Yard. The boys came running up from the market and stood entranced, and the soldiers loaded and re-loaded it with powder and a real ball.

General Edmands ran excitedly into police headquarters with a proclamation from the Mayor. He slammed it down on Chief Taylor's desk and said gleefully:

— Here is the only order yet drawn up under which the military can legally act:

#### PROCLAMATION

##### *To the Citizens of Boston:*

To secure order throughout the city this day, Major General Edmands and the Chief of Police will make such disposition of the respective forces under their commands, as will best promote that important object, and they are clothed with full discretionary powers to sustain the law of the land.

All well-disposed citizens and other persons are urgently requested to leave the streets and under no circumstances to obstruct or molest any officer, civil or military, in the lawful discharge of his duty.

The general left out the Mayor's name at the end. He looked sternly at Chief Taylor, who had remained seated during the spirited delivery. Chief Taylor got awkwardly to his feet and, feeling like a fool with his men, some of whom were lounging on benches just outside watching him, saluted the general.

The general clicked his heels, saluted and then walked over to the recumbent policemen.

— Get up, you fools, he said. — It's martial law.

He ran quickly up the stairs, got on his horse and galloped up to the Common, where the entire force was to be mustered after gathering at their respective armories. The boys, swarming like bees, ran after him.

Mayor Smith came to see the Chief with his arms full of the proclamations. — Get these posted up wherever possible, he said. — I don't think they'll do a hell of a lot of good.

He straightened his long neck with a jerk as he saw Ben Hallett coming down the stairs with the Adjutant General of the United States Army. Ben was smiling happily. He had one more humiliation to press upon the good magistrate.

— Your Honor. Colonel Cooper has just made a very excellent suggestion, and I concur with him a hundred per cent. He recommends that the

police force alone be used to keep the crowds back. This will be done as follows . . . Well, perhaps you'd better explain, Colonel.

— Well, suh, said the Colonel, — I don't like to have the soldiers pressin' directly on the civilians. Some of the boys are a mite quick-triggered and there's no tellin' what might happen if one of these Northern crackpots gits gay or makes some insultin' or slurrin' remark to the flag or to the uniform. The city police force will push the crowds back at all intersections, and after they're in back of the line, the military will take up positions there under arms.

— What if the crowd resists? said the Chief.

— The procedure will then be as follows, said the Colonel. — If the mob does not yield to the police procedure, each officer will swing back right and left, and that will be a signal to the military to open fire.

The Mayor gulped, and mumbled: — This is all irregular. The Commissioner hasn't even given his decision yet. I still think you lost the case, Ben.

— Then why have you had these proclamations printed up beforehand? said Ben blandly.

— You've had your orders, Chief, said the Mayor angrily. — Carry them out!

He ran up the stairs and went back to sit glowering in his office.

The Chief didn't blame the Mayor for losing his temper. Ben had handed the Mayor the dirty end of the stick, and now all the odium of the rendition was to fall on the city.

\* \* \* \* \*

Up on the Common, the dust clouds were rising to the adjoining rooftops as General Edmands tried to muster and drill his brigade. The Dragoons got in the way of the Artillery, and the Infantry sat on the grass refusing to move about until they had sent the horses over to the other end of the field.

Knapsacks were emptied of cartridges and filled with bottles and as the morning wore on and the sun got hot and high, there was more reeling than wheeling by the marching volunteers. Here and there among them were veterans of the Mexican War, and they sang songs about tequila and the easy virtue of the women south of the Rio Grande.

At nine o'clock the bell tolled from the Courthouse tower. Commissioner Loring put on his robe and walked from the chambers to the bench.

The guards had been tripled everywhere in the Courthouse. Tony walked to his seat with the hands of four people resting on his new suit.

The courtroom was hushed as the Judge took his seat. Never had he

felt so useless and absurd. Every guard and every soldier in the Courthouse and throughout the city was silently saying to the people, I am making the decision. Would I be here if I weren't?

As he looked at them and began to read the long document . . . it was over seven written pages . . . he continually looked up from the page, letting the words fall carelessly from his mouth, not thinking of them but, instead, playing a bitter double role with his brain and entrails.

I know you all . . . he wanted to say . . . and can catalogue you thus: office seekers, pimps, murderers, malignants, conspirators, contractors, Custom House clerks, kept editors, slave catchers, creatures of the President, spies, bribers, compromisers, spongers, gamblers, carriers of concealed weapons, deaf men, diseased men, from the Custom House, the post office, the Marshal's office, and their back yards, the warehouses, the jails, and the almshouses. But I cannot fight you because you have struck hands with the South and with those in the highest places and we are helpless in your grip. . . .

He turned over the last page and said, — And therefore the evidence of Mr. Brent and its confirmation by Mr. True has satisfied my mind beyond a reasonable doubt of the identity of the respondent with the Anthony Burns named in the record. On the law and facts of the case, I consider the claimant entitled to the certificate from me which he claims.

There was an unbroken silence while the Judge folded his manuscript and went away. Then Richard Dana went to Marshal Freeman and said, — May Mr. Grimes and I accompany the prisoner to the boat?

— All right, said the Marshal, too distraught to argue. — But don't expect him to be ready right away.

Parker shook Anthony's hand and went out. Mr. Grimes told him that he and Dana were going to march down to the dock with him. Anthony nodded. He had expected it to come out this way. He was he. He knew it and the Lord knew it. It didn't do any good to say that he wasn't.

A courier brought the news up to the Common that the decision had been given. None of the officers asked what it was, but shouted for their men to fall in for the march to the Courthouse.

The Mayor was stumped. He had really thought up to the last minute that the slave would be freed, and that he would be taken off the hot spot ordained for him by recent history. He ran panic-stricken to the police headquarters and buttonholed the Chief. — Clear the square! . . . Clear the street! . . . he said excitedly. — What are you doing here anyway?

— What is your plan, sir? What streets shall I clear? Where is the man going from?

— Long Wharf . . . down State Street to Long Wharf. Get a map! . . . Where's a map?

The Chief had one on his desk. — Hold them back here . . . here . . . here . . . here . . . here . . . gobbled the Mayor, drawing a heavy black line across each intersection with a heavy black pencil. — And it's got to be done before the soldiers get here from the Common. Remember what the Colonel said about the flag.

He started to run up the stairs to the street and then stumbled. He took the opportunity to turn around and clarify further. — Someone might insult it, he said gravely.

The Chief nodded.

— I'm going out and see them load the cannon, said the Mayor. — I might as well get a little fun out of this.

The Chief sat wearily looking first at the map and then at the list of his men. There was only one of them who could carry out this task without antagonizing the people.

He went to the door and said, — Ask Captain Hayes to step in here. And you might as well tell the other captains to come with him.

When they filed in, he locked the door carefully and said, — I want you men to take Captain Hayes's direction in this matter of keeping the lines clear to Long Wharf, where they are going to take the prisoner. Captain Hayes will take a squad of men to each of these intersections marked on the map. As soon as the crowd is in order, the soldiers will take up their positions. But at all times, there must be policemen between the crowd and the military.

— What if . . . started one of the captains.

Chief Taylor said in a set tone, — If they give you any trouble, or get violent, turn back and swing right and left. This is a signal for the soldiers to fire on the crowd. Remember. Captain Hayes is to set up the squad first at each intersection before the other captains take over. Do you understand, Captain Hayes?

— No, Chief. I don't understand. I thought we were told to have nothing to do with returning the fugitive.

— We're keeping law and order, Captain.

— It looks to me like we're helping to carry off Burns.

The other captains murmured agreement. Before the Chief could reply, there was a mild pounding on the door. When he opened it, the Mayor almost fell to the floor in his haste.

— I've just talked to the Commissioner and he says to see that the square and avenues are cleared.

Captain Hayes spoke up again. — The Commissioner gives orders to the Mayor, the Mayor to the Chief of Police, the Chief of Police to the captains, the captains to the men, the men to the people? I see this as a strong chain binding us to the act of the rendition.

— We'll discuss this later. You'd better get out there, said the Chief.

— No, sir. I'm resigning. I refuse to have anything to do with this.

— Oh, no, cried the Mayor. — That will spoil everything . . . all our plans. It's not me, you know. This came from Colonel Cooper and he came from the White House.

Captain Hayes sat at the desk and began to write out, on the back of one of the maps, another document to be added to the dossier of the Burns case.

As he wrote, the Mayor threatened and cajoled him, going so far as to offer him the job held by Chief Taylor. But Hayes went on in a firm script:

Through all the excitement attendant upon the arrest and trial of the fugitive by the United States government, I have not received an order which I have considered inconsistent with my duties as an officer of the police until this day, at which time, I received an order which if performed, would implicate me in the execution of the infamous Fugitive Slave Bill. I therefore resign the office which I now hold as Captain of the Watch and Police . . . from this hour . . . eleven o'clock.

— Eleven o'clock, wailed the Mayor after reading through to the end.  
— Send someone out there, Taylor.

— I have no other captain capable of handling this situation, said the Chief, not too displeased.

— What will we do?

— That is your problem, your Honor. You worry about it. The police will make any necessary arrests if there are individual acts of violence according to the city ordinances. That's all.

The Mayor started to speak again.

— Do you want another resignation? said the Chief.

As fast as they could be printed, papers carrying the news of Hayes's strange actions were put out into the streets, and sold like hotcakes.

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It fell upon Captain Isaac Wright of the Light Dragoons to handle the crowd. General Edmands had given him this detail, after an agonized



message from the Mayor, for two reasons. Number one, he was a former Regular Army man and had served as a fellow officer in Mexico with Franklin Pierce. Number two, he was an auctioneer by trade and had the loudest bellow in Boston. He was the worse choice possible for the task, however, because he was drunk and had just led his troop in singing "Carry Me Back to Old Virginny," which they kept up all the way down to Court Square.

On the Common, the troops had been cheered by the small boys standing happily to watch them, but down on Court Street, they were greeted with thunderous boos and catcalls. As each detail was dropped off at the intersections of State Street, dead cats, manure and clouds of pepper were thrown at them. Opposite the Courthouse itself, the office windows of the Commander of the Ancient and Honorables was draped in black. Flags were hanging at half mast in all the offices and beyond the old State House was suspended a black coffin. On it was painted THE FUNERAL OF LIBERTY. Everywhere, there were people . . . so many people that the thousand soldiers, the entire brigade, stood like mere pebbles against an incoming tide.

From eleven to twelve, the soldiers pushed against the tide. Several times, the Lancers and the Dragoons, the mounted troops, drew their sabers. Two men were cut on the hands with them for hissing and crying *Shame!* One, a businessman by the name of A. L. Haskell, held up his bleeding hand and asked the officer his name and business. — Captain Evans, said the citizen volunteer, — and my business is to kill such damn rascals as you.

A man named John Milton had his head laid open by a saber and was taken to the hospital. The footsoldiers, seeing the effect of this firmness on the crowd and stimulated by the smell of blood, set upon a little man named Ela, who was crossing the street, carrying his cat to get Tabby out of danger, beat him on the head with their muskets, knocked him down on the pavement and cut his face and had him taken off to the Watch-house.

The only victory of the civilians was scored by Mr. Jones, the late witness for Burns, who clung to Captain Wright's stirrup and poured out a stream of abuse on him . . . calling him a seller of chamberpots and implying that he had turned his insides into a utensil of the same nature. Captain Wright, trying vainly to dislodge him, lunged out too far and fell on his head on the cobblestones. Mr. Jones was then arrested and locked up for disturbing the peace and committing assault and battery on the person of Isaac Wright, Auctioneer.



With the fall of his champion, who was borne bleeding and beaten on his good steed to the Courthouse steps, General Edmands surrendered and, turning his portfolio, or in this case the first copy of the Mayor's proclamation, over to Colonel Cooper, he repaired to the Mayor's office and joined His Honor in a long drink.

Colonel Cooper, having had enough of this nonsense, ordered the cannon to be loaded with powder and grape shot and a match held to the breech as it was pointed directly at the crowd. They gave way. The Marines were ordered out of the building and they were lined up double-quick in the square and their muskets inspected, and then fired into the air. Additional supplies of ammunition were served out to them and they began to mark time, wheel, and make formations.

The Marshal ran upstairs to the jury room and told Butman and Riley to get Burns ready. He ordered handcuffs put on him, but Butman talked him out of it. Tony had just told Butman that he would go quietly without struggling if they didn't put him in chains.

The Marshal went downstairs to tell Colonel Cooper all was ready. He saw Richard Dana and said, — I'm sorry, Dana, but you've got to let me off on that promise I made you about walking to the ship with Burns.

— Certainly not, Dana said. — You can't let the man go through this without a single friend at his side.

— Have to, said the Marshal vaulting up the stairs again. In the room, amongst the hurried preparations, Caleb Page and Ben True gave Tony four dollars and said that they were sorry. Tony took the money without comment.

They took his arm and walked him downstairs to the door of the Courthouse. The crowd gave a great roar as they saw him.

Colonel Cooper set up the formation quickly. National Lancers were to go first, followed by the Artillery . . . Then a corps of Marines . . . Then a hollow square of special officers, the Marshal's *posse comitatus* carrying short Roman swords, and in the middle would be Marshal Freeman, and his special deputies and the prisoner.

Behind them would be another corps of Marines followed by the cannon, which would be pointed at the crowd in back and protected by another corps of Marines.

So they set off down past the old State House. No bands were allowed to play and the flags were hanging limp from their standards.

An old radical who had brought one of the blind boys from Dr. Howe's school to feel the disgrace brought on the city described it to him:

— It's a great company of butchers. Not the ones with white coats that

kill the beef, but human butchers with parti-colored suits. Usually they make a kind of savage music by blowing on brazen pipes and beating on hollow drums. Some of them are on horses, but they ride them sideways so that they can kick the people.

— Why are there so many butchers, Grandfather? asked the blind boy.

— They are all assembled to slaughter a little black lamb being carried in the middle of their procession. People want to save it from the butchers, who have hateful-looking iron things in their hands, tipped with knives. And some of them have long knives over three feet long and shining in the sun.

— So many butchers for one little black lamb? wondered the boy.

\* \* \* \* \*

Tony was human and he got a little inverted pleasure out of the pomp brought on by his return to Virginia. He had been told by the guards to walk straight and show off his new suit and he did. Even a man ridden out of town on a rail gets a little thrill out of being so singled out from all of his contemporaries. Or as the story goes . . . if it warn't for the honor, he'd rather walk.

As he drew abreast of the Custom House, the cortege slowed down a bit and Tony saw a comely colored girl gazing at him with her soft eyes. He straightened up and threw out his chest. She looked straight at him and spoke . . . loudly:

— How could he do it? Why doesn't he take one of those swords and strike it into his heart rather than be carried off like this? She bowed her head and sobbed wildly. And that was the end of Tony's faint glow of achievement.

As she sobbed, another woman shrieked . . . and at this moment, Captain Wright's Lancers, piqued at the defeat of their captain, left off their guard and swung headlong into the rear of the actual procession. Then Captain Evans felt that his troops should have a similar honor and rode quickly down the next street to catch up.

The crowd, thinking to save Boston some little measure of disgrace, swarmed into the street to block off the Volunteers from the end of the parade.

The Dragoons went wild, trying to get their horses through. Then, finding themselves blocked, they rode down the people with rage, pushing them against buildings and down cellarways as they cursed and sawed at the horses' bridles.

The trained troops under Colonel Cooper moved sedately on, not even turning around to see the debacle behind them.

The steamer *John Taylor*, secured at the wharf by Ben Hallett's guile, was ready to accept the prisoner and his party and bring them out into the deep shipway in the Harbor to be put on the government cutter.

At the edge of the wharf, the Volunteers took up a stand and stood with their pistols cocked. Captain Evans dared all to cross the line at their peril. He was booed past endurance. Colonel Cooper came back from the ship's gangplank and ordered Captain Evans to have his men uncock their pistols and take their bead off the crowd. This was done after a deal of blundering. The Colonel called Captain Evans a fool and told him he might have precipitated a slaughter.

Burns was taken directly on board and to the cabin, but the steamer could not set sail at once. It was an hour before they could get the cannon on board. And as they struggled with the reluctant brass, the crowd had a field day. Captain Evans sat his horse with his hands folded across his chest, damned if he'd do any more for an ungrateful nation.

Hamilton Willis and Mr. Kerr made a final attempt to purchase Tony. Kerr had been rowed out to the cutter to talk with the Colonel, who had been on it since the previous night. But he was not allowed aboard and came back to the wharf saying, — 'They'll sell him when he gets to Virginia. He's now in the hands of the United States Government.

Mr. Willis told this to Mr. Grimes . . . this being the fourth attempt. They had offered the money in the morning, after the decision was given and Burns acknowledged a slave, and now again, after he had been successfully removed from Massachusetts soil. — What do they want of the man now that they have destroyed his honor and violated his person? asked Mr. Grimes.

— In Richmond, said Mr. Willis, in an unbrokerish outburst, — they're going to have a state banquet and drink his blood.

\* \* \* \* \*

The *John Taylor* cut loose from the wharf and slid out into the deep Harbor. The last thing the citizens of Boston saw was the mouth of the brass cannon pointed at their heads. In midstream, Tony was put on the cutter and there joined in legal but unholy labor-lock with his master. Officiating at the rites was Marshal Freeman, who left shortly after on the pilot sloop. Asa Butman gave the slave away and Pat Riley was the best man. Both of them planned to accompany the happy pair on their honeymoon to the lovely city of Richmond, Virginia.

Outside the Harbor, the *John Taylor* unleashed itself from the cutter, swung around in the foam of its own boiling and started back to the Navy Yard. The sun sent a final glancing, brazen salute from the cannon on the deck into the sad eyes of Anthony Burns, leaning on the aft rail. A cold breeze came between him and the town where the heat was dancing and he began to walk aimlessly around the deck. The sailors, bunched up in work groups or lounging in an off watch, looked curiously at him and whispered to each other.

At first, as he moved around, he steered wide of them, hoping that they would get used to the sight of him and turn away; but wherever he stood, he could feel their eyes on his back. He could not go below because the Colonel and his party were lurking there and he was afraid that when the Colonel saw him he would be put in irons. He stood for a while at the bow, letting the rough spray hit his face. He did not think deeply on what had passed or if he had done right or wrong in accepting a defense. He thought of what the Colonel would say when he faced up to him. He was nervous and tense about the inevitable interview and planned his answers. He was going to answer softly all the Colonel's imprecations and then tell him that when he had been hired out by Millspaugh he had made around twenty-five dollars a month, and that he could realize three hundred dollars a year for the Colonel and in time make up to him all the money he had spent on the rendition. He could see the Colonel tugging weakly at his billy-goat beard as he weighed the offer. He could see him finally accepting.

These reflections made him easy in his mind and he began to want the talk to come quickly. He turned around and looked at the companionway, tempted to go in on his own and force the climax.

Some sailors were sitting and smoking on the companionway roof. As he walked over to it, one of them, a tall handsome light-skinned farmerlike boy jumped down and stood beside him as though to accost him. The farmer boy smiled broadly with his white teeth. Tony looked sullenly at him thinking that there was mockery there. The others were smiling too.

— You're going to get it, said the farmer boy.

Somehow the words seemed to have no sting in them and as Tony looked questioningly into his eyes he saw a kind of companionship in them. As the others laughed he saw that their grins were not wolfish but understanding, and he felt an unfamiliar tug of kinship and identification. It was faint but enough to keep him from going into the cabin and hoss-trading with the Colonel. It was enough to make him pass

closely to the other sailors and smile shyly at their nods of recognition that came as he looked them directly in the face as a celebrated person should. Then he grew so much at ease that one of the sailors gave him a rope end to hold while he picked up a belaying pin from where it had fallen on the deck.

Just after sundown a wonderful smell came from the galley stovepipe. The cook was frying ham for the Colonel. A huge one had been sent aboard as a farewell gift from the Southern boys at the University. Tony wondered how he was going to be fed. It was another uncertainty to plague him. Since he had got on the cutter the only word spoken to him was the meaningful phrase of the farmer boy. He guessed they were going to treat him like a naughty dog, ignore him but let him have the run of the place and forage for himself.

He had just made up his mind to buy some supper from a sailor with the money Butman had given him when the cabin boy, passing back to the galley with an empty plate, told him he was wanted below.

When he stepped into the cabin, the Colonel, Brent, Riley and Asa Butman were sitting around the supper table. — Set down, Butman said, — and have some ham and slump.

Brent looked up with a startled expression and when he saw Butman actually pulling out a chair for Tony to sit on, he got quickly to his feet leaving half a helping of food on his plate. The Colonel got up too, not so hastily but still as if the seat had got hot.

— Set down for God's sake, said Butman. — Don't stand there gapin'.

Tony sat gingerly in the seat looking at Butman in wonder. Pat Riley went on eating as if nothing strange was going on at all. The cabin boy brought in another platter of ham and potatoes and an iron pot of apple slump, and Butman slid a generous helping onto Tony's plate.

Tony ate uncomfortably, not daring to raise his eyes from the plate to look at the Colonel and Mr. Brent.

— This ain't up to the grub we gave you at the Courthouse, Butman said, chomping noisily on a mouthful of ham fat.

— No, sir, Tony said.

— Oyster stew an' all. You et good. Damn good. Look at Riley, jeered Butman. — His ole lady won't feed him fer a month when he gits back.

Riley looked up at him with expressionless eyes and swept the remaining ham and potatoes onto his plate.

When Butman pushed his plate away and lit up a cigar, the Colonel stepped behind Tony and put both hands on his shoulders. Tony cringed a bit, not knowing what to expect.

— This boy, he said to Butman, — was always an honest upright servant and I have never known him to tell a lie.

Butman nodded his head sagely in agreement and offered Tony one of his twisted black cigars, which Tony declined.

— Now, Tony, the Colonel said removing his hands. — I want you to tell me the name of the captain of the ship you came North on.

— I don't know his name, said Tony truthfully.

— You're a liar, shouted the Colonel angrily. — There's no use trying to shield him. We'll find out anyway.

Tony looked up at him helplessly.

— I'm blamin' him more'n I am you, son, said the Colonel. — I know you was tempted. How much did you pay him?

— Nothin', said Tony.

— Don't do it, boy, said the Colonel. — Don't perjure yourself. We're not blamin' you at all. We respect you as truthful. Who was it?

Tony shook his head sadly.

— These facts are important to us. More so than you. So important I'm willing to give you your freedom right now . . . hail a ship and send you back to Boston . . . if you tell me his name.

— I don't know, said Tony hopelessly.

Suddenly Butman brought his fist down on the table and the dishes clattered. But Tony turned and gave him a look full of innocence.

— If I knew the scoundrel, mumbled the Colonel lamely, — he wouldn't want to bring off another nigra.

— I'd see the bastard hanged, said Butman. — We'll smell him out when we git to Richmond if I have to cork up and hang around the docks myself.

Tony got up and went to the companionway. He turned suddenly to the Colonel. — Master Charles. What are you going to do with me?

— What do you think I ought to do? said the Colonel slowly.

— I expect you will sell me?

The Colonel didn't answer this but turned his back and Tony went up to the deck again.

— I can't figure that one out at all, said Butman. — If I was in his shoes and I got that offer, I'd give a name. Even if I didn't know the real guys I'd make one up. I'd give my own grandfather's to git out of the hole he's in.

— Always been a truthful boy, the Colonel murmured. — Goes to the same church I go to. He wouldn't care to lie to me.

\* \* \* \* \*



There was a ceremonial banquet given that night in Faneuil Hall for the citizen soldiery. A fine place was made at the toastmaster's table for the United States District Attorney. Ben declined it and sat quietly near the door, eating little and saying scarcely a word. Before the toasts and the rolling oratory of triumph began, he left the hall.

He did not want the event to end in the promiscuous flattery of a banquet watered down with the swigging of a glass of port to this one and that one, from the President to the Corporal of the Pulaski Guards. He wanted it to end in the person of one man . . . in Ben Hallett, as it had begun.

He made his way slowly over to the office in the Courthouse. There he wrote out his final dispatch and signed it with his name alone:

THE COMMISSIONER HAS GRANTED THE CERTIFICATE. FUGITIVE HAS BEEN REMOVED. LAW REIGNS.

He studied it a moment and read it aloud. It seemed to have just the right Caesarean terseness and balance. But then his old politician's instinct came back on him and he added a line that would do him no harm in the capital.

#### COLONEL COOPER'S ARRIVAL OPPORTUNE.

But when he came out of the inner office to go to the telegraph, he saw with mingled anger and dismay, that Nick Queeny was sitting there, waiting for him. Queeny had been invited to the banquet, Ben had seen to it, and there was no reason now for him to be sitting there with his hand out. He turned a quarter away from him, longing to give him the full cut and walk away without a word. But his politician's voice spoke silently again and said: This man is on your back from now on. He was joined to you in the ceremony just past. You cannot dare to cast him off. You must use him, for now he will never leave off trying to use you. . . .

Nick stood up and grinned wolfishly. His long neck was arched like a bow and his bulging Adam's apple seemed to be pointed at Ben's breast.

— Well, Queeny, Ben said, — I guess that's a job well done.

— Yes, sir.

— The Marshal will be back in a while to pay you off.

— It's not all over, is it, Mr. Hallett? said Queeny in a kind of confidential hiss.

— It is as far as this office is concerned.

— I was thinking about the murder of Batchelder . . .



— That's not the concern of the United States Attorney, Queeny. That's up to the County Prosecutor, Mr. Sanger.

Queeney rested his head on the back of his shoulders. His corded neck was now like a V. — I understand there's a lot of talk about it at Washington city. Someone has introduced a bill to pay the widow a pension. And there's talk about taking action against Parker and the rest.

— We've got no basis against Parker. We can't prove connection between the meeting and the attack.

— Are you going to try to?

— I'm closing the case, Queeny; I've made my point.

— I thought that where the murdered man was working for you, working for the Federal government, you would . . .

— Leave no stone unturned, Mr. Queeny? Yes, yes. I understand your position, Mr. Queeny, but we've got no more money to pay for special deputies if that's what you're thinking.

Ben looked Queeny hard in the face. The man was gnawing at his edifice of triumph. The fear returned that he was a spy sent from Washington to check on his loyalty to the Party. But all he could see behind the brick-red face was sad pale eyes below a brow etched with the questioning wrinkles of ambition.

— I've got a message for Jake, Ben said craftily. — Would you like to come along with me? Jake was the operator at the government telegraph office. Ben studied him to see if he knew this, but the pale eyes stayed blankly in a palpable fraud of knowing.

— Yes, sir, said Queeny. — I guess I have nothing else to do. About the Custom House, Mr. Hallett . . .

— Nothing right now, Ben said. — But let's wait a few days on that. Now that this is over I might be able to find something for you. Come along and we can talk about it on the way. They walked in silence to the telegraph office and Nick went in with the message. When he came out Ben told a hack driver to take him home the long way, past the Mill Pond, so that he could have a talk.

Nick finally broke the silence. — I'd still like to write a piece about you.

Ben grunted in deprecation. He shuddered inside at the thought of being memorialized in Queeny's slack-jawed style.

— Have you any material at home I could use, speeches and things?

— Perhaps it would be better at this time, Mr. Queeny, if you made up a collection of newspaper clippings. I'd like to send them to the President. I think we could carry you on the books a few days on that basis.

Ben heard Nick give a pettish click with his tongue against the roof

of his mouth. It was just loud enough to prod Ben into a rage of dislike against him. He no longer felt like gloating audibly to Queeny's fawning ears. . . . All he sees in me is a steady job, thought Ben. To tell him how I put down what amounted to a rebellion would be casting pearls. . . .

He wished he knew a few Unitarians to chivy a bit in his triumph. They had swamped the city during the first week of the trial. He'd tell them what good all their high talk and principles were against brute force. . . . When they see a position is going to stir up violence they drop it. — A plague on both their houses! they whine, and go back to reading their Plato. They don't believe in saints and miracles any more and so they don't believe in martyrs either. Its all vulgar display to them.

At this point, Queeny, who was beginning to feel himself a martyr, let out a long tortured sigh.

Ben was getting fed up to the teeth with this lachrymose and accusing presence there beside him. He's a leech, an old man of the sea, I suppose I'll have him standing around with his hand out for the rest of my life, he thought. Oh, how I'd love to open the door and pitch him out on his ear!

He lurched suddenly to Queeny's side of the hack and let down the window as far as it could go. The clear quiet air of dusk smelled acrid and he could see a fire on the Common. There was a crowd standing by it and boys leaping and dancing with excitement. The hack driver slowed down to get a look, and Ben, who had begun to cough violently, leaned forward, handkerchief in hand, to urge the man to go faster.

— Holy Mother of God! said the hackey, pulling the horse to a dead halt,—is that a hanging going on over there?

Ben looked out of the window and he could see three dark forms swaying in the smoke. With a heave he thrust open the door and clambered out, with Nick close behind.

— This is what I have been dreading all along, he said. — I've heard the truckmen threatening to take the law in their own hands.

— I can't see any hanging, said Queeny. — It looks like they're only burning up the trash.

— Trash it may be, said Ben. — There are three bodies hanging from the limb of that big elm.

Ben began booting his way over the spiky grass, swinging his stick violently and mumbling about the rage of the people when they're aroused and the lack of discipline among the citizen soldiers.

Nick now saw the horrible figures gently swaying on the ropes, their heads bowed by a hangman's knots. Ben fumbled in his pocket as he

walked and thrust a huge clasp knife at Nick. — To cut them . . . to cut them down, he said.

As they drew nearer Nick began to have some doubts about the tragedy. The onlookers were standing at ease around the tree. He saw the flash of teeth in a smile as one turned to a man behind. Ben sensed it too and started to slow down. Two men detached themselves from the crowd and began to walk rapidly away. Nick was puzzled to see that they were city policemen.

Ben began to walk slower and slower and finally he stopped. The people around the fire had turned to look at him. They were laughing.

Ben half-turned, longing to retrace his steps. But then he walked on heavily with his head down.

When he got close to the fire the crowd parted and he looked up.

The three bodies were straw. Around their necks were signs: JUDGE LORING, MARSHAL FREEMAN . . . and BEN HALLETT.

Both stared in horror at the fetish of Ben. It had a ragged rowdyish slouched straw hat, draggled linen blouse, a greasy black tie pulled askew, snuff-colored trousers gaping at the knees, and a huge pair of cowhide boots of foxy red swinging restlessly over the fire. There was a sign — HALLETT, BENEDICT ARNOLD on the hat. Another over his heart read SOLDIER OF FORTUNE, and on his back SATAN'S MORTGAGE. FORECLOSED. Tied to one straw-stuffed sleeve was a black flag with SLAVERY clumsily painted on it with red lead. On the other sleeve, a whip was tied. Nailed to the tree was a well-painted board which said SERPENTS NEVER DIE TILL SUN-DOWN, SO LET THESE WRETCHES LIVE.

Ben looked a moment at the fire. It was an ugly livid patch of burning trash and offal.

— Cut them down, he said to Queeny. — For God's sake, cut them down.

Nick pointed helplessly at the fire. Ben began to strike wildly at it with his cane, scattering the embers to the feet of the bystanders. Then the steel cap of the stick struck a jug fragile with heat, and as it collapsed some corn squeezings lit and flared high, catching the straw in the effigy's pantlegs; and the three victims smoked briefly and burst with a roar and the air was filled with the stench of old and greasy broadcloth. The hat on Ben's fetish fell lightly and rolled to his feet. Ben turned and walked away.

A small boy, his face alight with impudence, tugged at his sleeve. — You forgot your hat, Mister, he said, thrusting the scorched relic at him. Ben struck at him with his stick, but the boy ducked and the crowd

laughed. The stick itself began to smolder and a tongue of flame began to lick its way up. Nick Queeny took it out of Ben's hand and thrust it into the ground to put out the fire. He handed it back to Ben. Ben threw it violently away and began to plow through the grass in the direction of Beacon Street.

— What about the hack? Nick said.

— The hell with the hack. Ben stopped at the rim of the Common. He could not forbear to look back. The fire was dying but the heavy rope had prevented the flames from burning the heads and they hung like gross black teardrops in silhouette against the pale sky.

Ben turned again to Queeny. On his face was a look of helpless despair.

— It's not over, is it, Queeny?

— No sir.

— Why do they keep it up like this? I was willing to call quits.

— Maybe they need something to cry for, a real hanging maybe.

— They'll very likely drive me to it, muttered Ben. — Don't they realize I have the powers vested in me to make a real one out of this? Don't they realize how a man feels to see himself put up like that?

He waved again at his effigy as the charred rope finally gave way and dropped the blackened head into the ashes with a splash of fire.



*B O O K   T W O*

# The Judgment





# THE FIRST ORDEAL

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## OF BODILY AFFLICTION

*And the Lord said unto Satan,  
— Hast thou considered my servant Job?  
For there is none like him in the earth.  
One that feareth God and escheweth evil;  
And he still holdeth fast his integrity  
Although thou movest me against him to destroy  
him without cause.*

*And Satan answered the Lord and said,  
— Skin for skin.  
Yea, all that a man hath will he give for his life.  
But put forth thine hand now  
And touch his bone and his flesh  
And he will renounce thee to thy face.*

THEY WERE going to hang Parker for what he said and the crowds came to the Music Hall that Sunday to see if he'd say it again. Not all of them were sensation-seekers; more people went steadily to Parker than any other New England preacher could draw. There were seven thousand names on his parish register, culled from the unchurched, the unbelieving and the protesting. Strangely enough, the other clergymen hated him for this; the same clergymen who welcomed warmly and set a place at their own tables for the itinerant fire-breathing evangelists who could frighten and exhort these same three classes of backsliders back into the deserted pews.

People came to him who worried secretly about injustice done, whose consciences were violated again and again by forces beyond their power to resist. He took away from them the reproach of silent consent.

On this Sunday morning he followed his usual puritan usage of worship: to read some verses from the Bible and sing a hymn or two. But on his

desk was a clump of flowers which was whispered about in the back rows as a proof of his paganism. They were blue flags from the brook that flowed by his father's Lexington farmhouse. And so they were proof, for he had made a special trip for them the day before and taken his shoes and stockings off and waded a bit in the stream, warm and swollen with the rain, and picked the flowers and kissed them and told his wife that they were new words of God.

He tried to be a warm stream flowing from the gulf into the icy depth of New England orthodoxy to touch the cold shores and make them bring forth flowers and sweet hay. He tried to make people throw off their fears and float in the unfamiliar fluidity of speculation; to think in the sanctuary itself and in the presence of the open lids of the sacred Book.

But this Sabbath he was too hot. He came hissing like steam into the clear waters, clouding them and raising bubbles of unrest and fugitive force.

— *Why standest thou afar off, O Lord?* he demanded angrily, reading from the book, — *why hidest thyself in time of trouble? The wicked in his pride doth persecute the poor; let them be taken in the devices that they have imagined. For the wicked boasteth of his heart's desire and blesseth the covetous, whom the Lord abhorreth. The wicked, through the pride of his countenance, will not seek after God. God is not in all his thoughts.*

He flipped over the pages, nodding his head in agreement with the questioning prophets, like a man listening to an old story from an old friend, both indignant, because an old wound is reopening and an old affliction has been put upon them again.

— *How doth the city sit solitary, that was full of people! How is she become as a widow! She that was great before nations and princess among the provinces, how is she become tributary! Her adversaries are chief, her enemies prosper; for the Lord hath afflicted her for the multitude of her transgressions: Her children are gone into captivity before the enemy. . . . Jerusalem hath grievously sinned; therefore she is removed. All that honored her despise her, because they have seen her nakedness. . . . For these things I weep . . . mine eyes are running down with water because the comforter that should relieve my soul is far from me: my children are desolate because the enemy prevailed. . . .*

— *Judge me, O God, and plead my cause against an ungodly nation: O deliver me from the deceitful and unjust man. O send out thy light and thy truth: let them lead me; let them bring me unto thy holy hill. . . . Why art thou cast down, my soul, and why art thou disquieted*

*within me? Hope in God for I shall yet praise him, who is the health of my countenance and my God.*

As he closed the book, the congregation murmured satisfaction. Some of the ignorant among them thought the preacher had written the text himself. All agreed that it was a first-rate description of Loring, Hallett and Marshal Freeman.

The morning service proceeded in decent order. A long hymn was sung to the throbbing of the organ. But the people kept coming in and soon there were no more chairs to set out in the aisles and the latecomers had to stand.

He began his sermon gently, in an easy vein, saving his voice and letting the people who were standing up sag a bit on this foot and the other until they had set their frames for a long hang.

— Within the last few days, we have seen some of the results of despotism in America, which might easily astonish a stranger; but a citizen of Boston has no right to be surprised. The condition of this town from May twenty-fourth to June second is the natural and unavoidable result of causes publicly and deliberately put in action. It is only the first fruit of causes which in time will litter the ground with similar harvests and with others even worse. Let us pretend no amazement that the seed sown here has borne fruit after its kind. Let us see what warning or what guidance we can gather from these events, their cause and consequence. So this morning I ask your attention to a sermon of the new crime against humanity committed in the midst of us.

He stopped and took a drink of water. He could see at least eight reporters scribbling in front of him. He looked carefully around to see whether Ben Hallett was there. He was disappointed not to find him.

— I know well the responsibility of the place I occupy this morning. Tomorrow's sun will carry my words to all America. They will be read on both sides of the continent. They will cross the ocean. It may astonish the minds of men in Europe to hear of the iniquity committed in the midst of us. Let us be calm and cool and look the thing in the face.

That was the message for Ben Hallett, a dagger in his heart. He was not too big a man to stoop to lash his enemies with the scorpions of envy.

— Of course, you will understand from my connection with what has taken place, I must speak of some things with a great deal of reserve and pass by others entirely. However, I have only too much to say. I have had but short time for preparation. The deed is so recent. If some of you find your patience exhausted and standing too wearisome, you can retire, and if without noise, none will be disturbed and none offended.

All smiled at this, the standees most of all. They would be the last to leave. They didn't come there for a place to sit.

— Wednesday, the twenty-fourth of May, the city was all calm and still. The poor black man was at work with one of his own nation, earning an honest livelihood. A Judge of Probate, a man in easy circumstances, a Professor at Harvard College, was sitting in his office . . . and with a single spurt of his pen he dashes off the liberty of a man, a citizen of Massachusetts. He kidnaps a man endowed by his creator with the unalienable right to life, liberty and the pursuit of happiness. He leaves the writ with the Marshal and goes home to his family, caresses his children and enjoys his cigar. The frivolous smoke curls around his frivolous head and at length he lays him down to sleep.

— But when he wakes next morn, all the winds of indignation are let loose. Before night, they are blowing all over this Commonwealth. Ay, before another night they have gone to the Mississippi and wherever the lightning messenger can tell the tale.

— So I have read in an old medieval legend that one summer afternoon there came up a shape, all hot from Tartarus, from hell below . . . but garmented and garbed to represent a civil-suited man, masked with humanity. He walked quiet and decorous through Milan's stately streets and scattered from his hand an invisible dust. It touched the walls, it lay on the street. It ascended to the cross on the cathedral's utmost top. It went down to the beggar's den. Peacefully he walked through the streets, vanished and went home. But the next morning, the pestilence was in Milan, and ere a week had passed, half her population were in their graves and the other half, crying that hell was clutching at their hearts, fled from the reeking city of the plague.

— I know a great deal about this plague. I sat in the pesthouse itself and watched increase of appetite growing by what it fed on. While I sat in the Courthouse, my own life was threatened. Friend and foe gave me public or anonymous warning. I sat between men who had newly sworn to kill me, my garments touching theirs. The malaria of their rum and tobacco was an offense in my face. I saw their weapons and laughed as I looked the drunken rowdies in their cowardly eyes.

— The wickedness began with the Commissioner. He was not forced into that bad eminence. He went there voluntarily. The soldiers of the Czar execute their master's tyranny because they are forced into it. The only option with them is to shoot with a musket or be scourged to death with the knout. If Mr. Loring did not like kidnaping, he need not have kept his office. But he liked it.

— I never thought him capable of committing this wickedness. I have seen him sometimes in the Probate office and he seemed to have a pleasant face, fit to watch over the widows and the fatherless. When a bad man does a wicked thing, it astonishes nobody. When a good man deliberately, voluntarily, does such a deed, words cannot express the fiery indignation which it ought to stir up in every man's bosom. It destroys confidence in humanity.

— The wickedness began with the Commissioner. It was to end with him. He is sheriff, judge, jury. He is paid twice as much for condemning as for acquitting the innocent. He is now the embodiment of Boston justice.

— Why did Loring do all this? He knew the consequence that must follow. He knew that there were men here who will never be silent when wrong is done. He knew the Fugitive Slave Bill had only raked the ashes over fires that were burning still, and that a breath might scatter the ashes to the winds of heaven and bid the slumbering embers flame. Still he dared send another citizen of Boston to be whipped to death.

— Look at Marshal Freeman. I know nothing about him other than that he is a Boston man. He arrested the man on a false charge and threatened him with violence if he should cry out. He kept him in secret and made the Courthouse the property of the slave power.

— Look at the men he employed for his guard. He dispossessed the stewards, bawling the Courts with unwonted infamy. He gathered the spoils of brothels; prodigals not penitent, who upon harlots had wasted their substance in riotous living. Pimps, gamblers, the succubi of slavery. Men that the gorged jails had cast out into the streets. Fighters, drunkards, public brawlers, convicts that had served out their time, waiting for a second conviction. Men whom the subtlety of counsel, or the charity of the gallows, had left unchanged. No eye hath seen such scarecrows. He chose fit tools for fitting work. If you wish to kill a man, you buy not bread but poison.

— The conduct of the Mayor of Boston needs to be remembered. He had the police of the city in Court Square, aiding the kidnaper. It was not their fault. They served against their will. The Mayor called out the soldiers at great cost to someone. After the wicked deed was over, the Mayor attended a meeting of Sunday-school children in Faneuil Hall. When he was introduced to the audience, out of the mouths of babes and sucklings came a hiss. At night, the citizen soldiery had a festival. The Mayor was at the supper and toasted the military, eating and drinking and making merry. What did they care, or he, that an innocent citizen

of Boston was sent into bondage forever and by their hands? The agony of Mr. Burns only flavored their cup. So the butcher's dog can enjoy himself in the shambles while the slaughter of the innocent goes on around him, battenning on garbage.

— What a day for Boston. The day was brilliant. There was not a cloud. All around us was a ring of happy summer loveliness . . . the green beauty of June. The grass, the trees, the heaven, the light . . . and Boston was the theater of incipient civil war. Drunken soldiers, hardly able to stand in the streets, sang their ribald song . . . "Carry Me Back to Old Virginny."

Parker stopped here for a moment. There was another name he must add to maintain the unity of the denunciation. But to name this man would help him and ingratiate him with his masters. He would want to be named. To leave him out would disappoint the people. Parker could tell by their expectancy that they wanted him to get his. He decided to improvise something.

— There is another man; to have him named by me would be an accolade of distinction in his circle. Actually he is not a man but only a type. He does not even aspire to be a man but merely a president. He would be before the people continually. No place is too mean, if only public. No failure disconcerts him. No fall abates his desire to rise. He knows no higher law above his own ambition, for which all means seem just. He often speaks of the flag with tears in his eyes, but does not know what the flag represents. His voice is a demagogue's. Ignorant men are evermore his tools. Not many days must we go back for learning how he uses them. And ignorant he begs them to remain so that he and his kind can control the state and laugh at the folly of the cheering masses upon whose necks he rides to power and fame.

The congregation sat back and shifted into new positions. They laughed a little and whispered knowingly behind their fans and put the tag on the victim. Hallett, of course. Ben Hallett.

— Pause with me and look at the causes of this fact. There are two great forces in this nation: One is slavery; freedom is the other. The two are deadly and irreconcilable foes, and they will go on fighting until one kills the other outright. In the period of the Revolution, when the nation fell back on its religious feelings and developed out of them the great political ideas of America, freedom was in the ascendant. These ideas demanded that all men have inalienable rights; in that respect, that all men are created equal. And that the proximate organization of these ideas would be a government of all the people, by all the people, for all



the people. But now fidelity to slavery is the test of loyalty for officeholders. It is the leading ideal of America, the great American institution.

— Why not? There's money in it. It gives money power and political power and these are arguments that even the dumbest can understand. Why should we not avail ourselves of any institution to secure money and political power? These are the objects of the most intense desire in America. These are our highest things; marks of our great men. Office is transient nobility. Money is permanent, inheritable nobility.

— So the North barter away the transient for the permanent nobility. The South is weak in numbers and money, but has the control of the Democratic Party . . . rather the South has the name of the Democratic Party, for that is all of it that is left.

— The North has the numbers and the money. What does he care for politics as long as his dividends are insured. His tribune is Webster, who said the great object of government is the protection of property. If the South can hold a man as property against the humanity of the world, he has little to worry about his warehouse of goods.

— He cares not whether cotton is sold or the man who grows it. He will not keep a drink-hole in the slums, only own and rent it. He thinks it vulgar to carry rum in a jug, respectable in a ship. He sends rum and missionaries to the same barbarians. The one to damn, the other to save, and both for his own advantage, for his patron saint is Judas, the first saint who made money out of Christ.

— He is the stone in the poor man's shoe. He asks what is good for himself but ill for the rest. He knows no right but power; no man but self; no God but his Calf of Gold. Through him all the nation says all dollars are equal, however got, each has inalienable rights. Let no man question that. The morals of a nation, of its controlling class, always get summed up in its political action. The voters are always fairly represented.

He paused and felt a restless stirring in the congregation. Here and there a door slammed as some left in indignation. Four faces in the front stared at him in hatred. He caught the eye of Sam May. Sam shook his head slightly from left to right. He laid aside one or two more pages of invective with reluctance and said defensively, — Some men know these things, but the mass of men know them not.

He touched the blue flags at his elbow. The pain in his side was coming back and his throat felt raw again.

— But I think the mass of men know that this is holy ground we stand on here. Godly men laid here the foundation of a republic, laid it with prayers, laid it with tears and blood. They sought a church without



a bishop, a state without a king, a community without a lord, a family without a slave. Yet even here in Massachusetts, which first of our American colonies sent forth the idea of inherent and inalienable rights and first offered the conscious sacrament of blood . . . here in Boston, full of the manly men who rocked the old Cradle of Liberty a week ago last Friday, the rights of man were of no avail. United States soldiers loaded their pieces in Dock Square to be discharged into the crowd of Boston citizens whenever a drunken officer should give command. A six-pound cannon was planted before our Courthouse with forty rounds of canister shot, and manned by soldiers who were foreigners before they enlisted.

He looked down at Sam May as though pleading with him to forgive his intemperance and pounded his fist on the desk until his knuckles hurt, trying to divert the pain that seemed to be pulling his heart down into his pelvis.

— At high noon, over the very spot where fell the first victim in the Boston massacre . . . where the Negro blood of Crispus Attucks stained the ground . . . over that spot Boston carried a citizen to Alexandria as a slave and order reigned, fellow citizens of Virginia.

He felt their sharp restlessness again and gave a long pause. He wanted to take a drink of water but didn't dare. He was afraid it would increase the pain in his side. There was something sticking in his throat. It was anger, he supposed, and looked down at his trembling hands. And then he stretched them out to them in supplication. — Forgive me. It's just that I know not how many of you know your own slavery. I know and honor those of you who held meetings and passed resolutions. I know that the newspapers of Boston threatened to cut off all trade with New Bedford. They would not buy your oil; they would have no dealings with Lynn; they would not tread her shoes under their feet. They would starve out Worcester.

— I try to remember and be just. I know that the natural instinct of commerce is adverse to the natural rights of labor. That the chief leaders in commerce wish to have their workers poorly paid so that the larger gain will fall into their hands. Their laborer is a mill; they must run him as cheaply as they can. So the cities of the North are hostile to the slave; hostile to freedom. The wealthy capitalists do not know that in denying the higher law of God, they are destroying the rock on which alone their money could rest secure.

— The mass of men in cities, the servants of the few, know not that in chaining the black man they are putting fetters on their own feet. Justice

is the common interest of all men. Alas, that so few know what God writes in letters of fire in the world's high walls!

He paused here and listened. All were quiet again and the four hostile witnesses in the front row had a look of sadness on their hard faces. His voice was tired. He looked down at the sermon again. There were three more pages of statistics and invective. Pages of shame that would have to be trumpeted forth full-voice. He laid them aside and rested his head a moment on his hands, after taking off his glasses and wiping his eyes. He let his anger and his courage slide off his back for a while. He wanted to reveal his doubts, to throw himself on the mercy of the court. He pushed away the rest of the sermon slowly and holding his glasses in his hand, he gazed at them blindly, seeing no one with his worn-out eyes.

— What then are we to do? There are some among us, men whose ideas I deeply respect, who say, Let us divide. Let our erring sister go in peace. Let us live in a free North, and our wicked brethren in the slave pen and brothel that is theirs. . . . But where shall we draw the line? Today it would have to be made north of Boston. The only line I could draw today would be from Bromfield to Winter Street, back of the Lowell Institute and down Bromfield Place. That contains the only politics I can trust. My own and those of my dearly beloved congregation.

He moved slowly and painfully around the desk and stood free of it to one side, supported himself with a shaky hand. And now, no longer upheld by the desk, his body sagged. He let all the vanity pass out of it; let his great chest sink, his waist thicken, his head droop until the shining brow became the flat, pale, naked skull. The people saw their pastor for the first time as an old man. They saw his eyes weak and lost in their deep sockets without the glasses over them that used to glitter in the light like knives, not for effect but to get truth at its lowest for once.

— Let us for a while put up with slavery. Some of our wisest men tell us that the lot of the Negro has improved immeasurably since he was taken from African soil and savagery. Let us concentrate our powers on improving the lot of the workingman and the unfortunate in our jails, asylums and poorhouses. Let us work to expand our country to the far-off shores of Oregon. Let it remain whole and unsevered and let not the black man be redeemed by the white man's blood. Let slavery die a natural death and fall at last, like a rotten limb from the tree of liberty.

— We could do it. Millions of workers and farmers are doing it. We could close our eyes and ears. Some of us do not see a member of the despised race from one year to the next. Our stomachs will certainly agree. There is not one among you who doesn't stand a better chance of

getting rich and eating regularly than Mr. Garrison. Our children's need for education and security will strengthen our intentions.

— Then out of the iron house of bondage will come a man, guilty of no crime but love of liberty. He will fly to the people of Massachusetts. So he comes to us a wanderer and we will take him into an unlawful jail; hungry, and we will feed him felon's meat; thirsty, we will give him the gall and vinegar of a slave to drink. Sick and in prison, he will cry for succor and we will send him the Marshal and his evil *posse comitatus*. We will set him between kidnapers and they will make him their slave. Poor and in chains, he will send around to the churches petitions for their prayers. Churches of commerce, they will give him their curse. He will ask them for the sacrament of freedom. They will say, Thy name is Slave. I baptize thee in the name of the Golden Eagle and the Copper Cent.

He pulled himself back to the desk again and put on his glasses and pitched his voice up into sharpness:

— And while they are reviling Thomas Paine . . . who died poor and ailing, and is thus a good example for our new resolve, as an infidel and an atheist . . . they will lay their hands, as Jesus said, on the man who seeks them out. But where Jesus laid his hand on men to bless them . . . on the deaf and they heard; on the dumb and they spoke; on the blind and they saw; on the lame and they walked; on the maimed and sick and they were whole . . . Boston will lay its hands on the whole and free man and straightway he owns no eyes, no ears, no tongue, no hands, no foot, and he is a slave.

He pushed himself up with both hands on his desk and threw back his head and let the words trumpet recklessly through his burning throat.

— Your own body in its functions will deny you this course. Just as your own body must deny the abstention from eating, from sleeping or from marrying. Just as your body will suffer and corrode if all its duties are not fulfilled. So will it suffer if the function of conscience is betrayed and subverted.

— The function of conscience is this: To discover to men the moral law of God. To discover those things that are true, independent of all human opinions. Such things we call facts. Thus it is true that one and one are equal to two; that the earth moves around the sun; that all men have certain inalienable rights. Rights which a man can alienate only for himself and not for another. No man made these things true and no man can make them false.

— Then it is true that a man held against his will as a slave has a natural right to kill anyone who seeks to prevent his enjoyment of liberty.

— Then it is true that it is a natural duty for the free man to help the slaves to the enjoyment of their liberty and as a means to that end, to aid them in killing such as oppose their natural freedom.

— The performance of this duty is to be controlled by the free man's power and opportunity to help the slave.

— The cloud no bigger than a hand is forming on the horizon. It is filled with blood. Perhaps it is not too late to bring it harmlessly to earth. . . .

— What shall we do? I think I am a calm man and a cool man and I have a word to say as to what we shall do . . . today. Never obey that law. Keep the law of God. Next I say, Resist not evil with evil. Resist not now with violence. . . . Why do I say this? Will you tell me that I am a coward? Perhaps I am. At least I am not afraid to be called one. Why do I say, then, Do not now resist with violence? Because it is not time just yet. It would not succeed. If I had the eloquence I sometimes dream of, which goes into a crowd of men and gathers them in its mighty arm and sways them like the elm boughs when the wind is high, I would call on men and lift my voice like a trumpet through the entire land, until I had gathered millions out of the North and the South and they should crush slavery forever, as the ox crushes the spider underneath his feet.

— It seems that this eloquence was not given to me. It is idle to resist by force here and now. It is not the hour. It will come. Let us wait our time. . . . It will come. Perhaps it will need no sacrifice of blood.

— Let us call a convention of all Massachusetts without distinction of party, to take measures to preserve the rights of Massachusetts. For this we want some new and stringent laws for the defense of personal liberty, for punishing all those who invade it on our soil.

— Let us call, then, a convention of all the states, to organize against this new master. It is not speeches we want, but action. Not rash action but organized action before the liberties of America go to ruin. Then what curses all mankind shall heap upon us.

— Remember, oh remember, all you who love this union of ours: It will not stand long as it is. It cannot be saved with slavery in it. No compromise, no nonintervention, no Fugitive Slave Bill. No. It cannot be saved in this age of the world until you nullify every ordinance of nature; until you repeal the will of God and dissolve the union he has made between righteousness and the will of the people. Then, when you displace God from the throne of the world and instead of his eternal justice enforce the will of the devil, then you may keep slavery. Keep it forever. Keep it in peace. Not till then.

— The question is not if slavery is to cease and soon to cease, but shall it end in peaceful legislation, as in Massachusetts, New Hampshire, in Pennsylvania or in New York, or shall it end as in Santa Domingo? Accept this law and it will end in fire and blood. God forgive us for our cowardice if we let it come to this: that three millions, or thirty millions of degraded human beings, degraded by us, must wade through slaughter to their inalienable rights.

He stopped and turned away to spit in his handkerchief. He had been talking through a bubble of blood for the last five minutes. He went shakily off the platform and into his retiring room. The forty-two doors of the Music Hall opened and slammed shut as the listeners left. A line formed in the aisle near his door. They were silent. They were frightened. Dr. Howe and Julia went to the line to take their places. The janitor came through the door and beckoned to the Doctor. The people stood aside. The Doctor opened the door and shut it quickly behind him. Parker was bent over the sink. He turned quickly, red spittle hanging from the corner of his mouth, and laid his hands clawlike on his heaving chest.

— The venomous cat that has destroyed so many of my people has fixed her claws in here.

\* \* \* \* \*

A rough following sea swung out from the hook of the Cape and booted the cutter *Morris* out of New England waters. The Colonel was determined to uphold the virtues of the patriarchal system and sent for Tony and permitted him to sit in the cabin with the others, until he and Mr. Brent became violently seasick and then Tony was sent out to the seething, swirling lime-green deck. There he stayed for hours on end, as quiet and inert in the face of this primal violation of his person as he had been during the seizure, trial and rendition.

A few miles off New York, an inbound packet was hailed and the out-retched Colonel and his gentleman companion were put aboard to make the rest of their journey by rail. He had no parting word for Tony but both were glad to be quit of each other.

The smoke curls from the New York steamer had hardly sunk and rolled like dust over the heaving water when Tony was summoned back to the cabin by Asa Butman. He and Riley sat at a table littered with chicken bones. They had made light of the Colonel's sickness, eating his discarded food before him and plying him with questions about the erotic possibilities of plantation life.

Butman and Riley had just decided to go into business together and they greeted Tony affably and asked him to sit and sup with them.

— McManus had it all down to a T, said Butman to Riley as Tony began to eat. — He made a hundred a week sometimes.

— He's a liar, if you ask me, said Riley sourly.

— That's just it. That's how he made his money. He worked for a year on the Baltimore Line.

— How did he know the niggers were runaways?

— He knew right away. Didn't he used to sell them the free papers in the first place?

— I didn't think they paid much mind to papers down there.

— Oh, sure, there's lots of darkies walking around with free papers. They buy themselves off sometimes. Like gitting out of the navy.

— What the hell are ya givin' me, Asa? Where the hell would a darky git that kind of money?

— Oh, they make money, never fear. Some of them are barbers and the like. Waiters and pimps in hotels and some of the women peddle it, I guess.

— Good Christ. We've gotta keep them out of Boston. They'll be buyin' the Irish.

— Let me tell you how this McManus did it. He'd get some big buck, champion' at the bit and rarin' to go, and he'd work on his mind, work on it and work on it. Tell him up North everything was free, gold stick-pins and white women. Then he'd make up a fake set of free papers and sell them to him for forty-five or fifty dollars. Then he'd put him on the train and wire ahead to have him picked up in Philly. He'd get another fifty for him there.

— Well, good luck to him, said Riley. — If he can make it he deserves it.

All this time Tony was eating nervously, aware that the conversation related in some way to him. He looked up and caught Asa winking at Riley. He could tell by Asa's tone that he was trying to talk nice and to make him seem like one of them.

— His luck left him, Pat, when he met up with a smart colored man like our friend here.

— How's that, said Riley mechanically.

— He sold him a sailor's pass for twenty-five dollars and he spelled Washington without an *h*. The man spotted it and turned him in and they ran him out of town.

— An' he lost the job with the railroad?



— That he did. It don't pay to cheat a smart colored man, eh Tony?

Tony raised his honest eyes to Asa's and gave him a look of blank wonder. He hadn't the vaguest idea of what they were driving at.

— Aw for the love of God, Butman, are you going to chop and change on this deal for the whole of the voyage? Riley said. — Let's have it out with the nigger and get it over with.

Tony got up from his chair. He tried to sidle casually toward the companionway, moving slowly, looking at his hands and wiping them on his coat. A lurch of the ship made him stumble and he fell against the wall, breaking the smoothness of his withdrawal.

— How'd you like to git free, boy? said Butman seductively. — Riley and me have got a proposition for you. We can get you off if you like and take you back to Boston with us.

— I don't believe you, Tony said.

— It can be done, said Riley. — But you'll have to turn agent for us. You'll have to tell us about the runaways.

— You'll be a government agent, Tony. There's no regular pay but I can name you a darky in Boston right now that's a rich man outa this business.

Tony pushed the cabin door open quickly. He was frightened. The friendly looks on their faces made his flesh creep. He was desperately afraid of offending them, but they made him feel guilty and dirty.

— No. No. You just want to get something out of me to hurt the people who helped me, and then you'll leave me to die in Virginia.

He slammed the door and ran up to the deck. He beat his way against the wind to a pile of rope and tarpaulin in the V of the bow and covered himself in smothering darkness from the sin of the world.

\* \* \* \* \*

Nick Queeny felt drawn to saunter down the street near Parker's house in the melancholy ebb tide of the hot Sunday afternoon. He was not a man to spend his free time drinking or gossiping with a friend. And he had come to look upon this narrowing of the focus onto Parker as the talisman of his career and indeed, his future.

He did not know whether Parker was really behind the whole thing, and it didn't matter anyway because the newspapers had laid the blame on the clergyman . . . had stuck Parker's head on the pikes of their columns to simplify, for their readers, a very complicated event.

Even if it were not true, it was just . . . because Parker seemed determined to keep the pot boiling, and his sermon of the morning just



past had the brazen ring of an injured and very likely a guilty person.

Queeny did not quite know that the crime commits the man but he could feel, upon hearing a sentence or two from Parker, uttered at any time at all, that the speaker was the kind of man who bears watching, just as a look at Queeny himself would tell another that he was the kind of man that always watched.

And sure enough, he was just at the corner of Parker's little street, when a huge van drawn by two powerful horses clattered over the cobblestones, took a sharp turn, humping the iron shoe of the rear wheel over the curb, and stopped in front of Parker's house.

It was an odd sight on a Sunday. It indicated urgency and he went close enough to it to see a big baize-covered box which he first took for a coffin. Three men swung back off the driver's seat and began to tug it toward the tail gate. It could be something sinister, Nick thought: some guns, or even a fugitive, in there. One of the men turned and jumped to the ground from the tail gate and Nick recognized him as a deputy who had stood watch at the Courthouse. The man beckoned to him. — Give us a lift, he said winking at him.

Nick stared at him with mouth ajar. The man seemed to be inviting him into some monstrous intrigue. He put his shoulders to the load with the rest and helped inch it off the cart and up the narrow steps and into the house. The truckmen swung it deftly into the parlor, where it was greeted with shouts of joy and approval by fifteen or twenty well-dressed and extremely respectable-looking people.

When they set it down in an empty corner, a sweet-faced woman came to them with some money in her palm. The boss, Silas Dunbar, waved it aside and said it was all being taken care of by Mr. Chickering.

— It's so inconvenient for you to come on Sunday like this, protested the woman, — but we wanted to surprise Mr. Parker and this is the only time we could be sure that he'd be out of the way.

— That's all right, Mrs. Garrison, said Dunbar. — We'll just be going along now. He touched his cap and turned casually.

Nick was amazed at his calmness. His own stomach had started to burn at the mention of the woman's name and he could feel an angry flush rising in his cheeks.

— Perhaps they'd like some cool tea and cake, said another woman, tall and girl-like. — Won't you come into the dining room a moment and have some refreshments? It's all on the table.

Dunbar scratched his head doubtfully. He looked at his helpers. They were gazing about them with covert eagerness, storing up the look of the

place to tell the old lady when they got home. And what did she have for a carpet down? God, it was a little thin one and all faded.

Nick, feeling that it would be an advance in the face of the foe, took a blundering step or two toward the dining room. The tall woman slipped a cool arm into the crook of his. She was at eye level with him and he had to look her fully in the face. She smiled into him, directly, as no woman had ever done before, and said, — I'm sure this young man would like something. He hasn't even got his church clothes off yet. Wouldn't you like some cold roast?

Nick followed her, smirking a little as she turned away. It was so easy. These people are fools, so open, so unsuspecting.

The table was covered with cakes and all sorts of light, fluffy teatime things. The boys came gingerly in after Nick, sliding their caps clockwise through their hands. — I'm going to bring you a malt beverage, said the woman. — That's what Theodore would do if he were here. She spoke in a low tone as if it were a secret between them and went into the kitchen.

— Mrs. Parker, said Dunbar in a heavy whisper. — And beer all around.

— Did yez ever see the like, marveled one of the boys.

— I'm leavin' after me beer, said the other. — My wife would kill me if she knew I was drinkin' under the roof of these God-damned Sabbath breakers.

— I thought they was all temperance.

— Well, they're temperance but they're not absentees.

They stood in awkward silence until she came back with the refreshments. She thanked them again for the delivery. It was a present for her husband, and Mrs. Garrison had taken up a collection for it. Nick was shocked by the warm and intimate way she talked about it to them and was even more disturbed by the way Dunbar Mrs.-Parkered her between his hearty gulps and swigs. Nick ate and drank slowly, not daring to look at her straight again, partly because he might blush and partly because he might fall prey to her tenderness.

She stood by them until they were full up and when they turned to go, urged them to stay and hear a little music.

— We feel so grateful to you for coming out like this on your day of rest. But if you can't stay, you can take some of these little cakes home to the children.

She left for some paper to wrap them in and Nick turned to Dunbar and said, — I'm staying. I think you should stay too.

— I know it ain't polite to eat and run, he said, — but I gotta git them hosses back. They're all sweated up.

— We don't know what's really in that case. Funny they should want it so much on a Sunday.

— It's a piano. What the hell did you think it was? asked Dunbar.

— There might be a fugitive in there. They might have Burns himself in there.

Dunbar looked at him in amazement. He set down his beer glass and went to meet Mrs. Parker at the door. She had three generous packages in her hands. Dunbar gave two to the others and thanked her profusely. On his way out he looked again at Nick as if he were going to spit in his eye.

Mrs. Parker took Nick's arm again and led him around the parlor, introducing him: Dr. Howe, Mrs. Howe, Mr. and Mrs. Hovey, Mr. Sanborn, Mr. May, Mr. and Mrs. Alcott and their daughter Louisa . . . He carefully filed them in his mind and put his eye on them like an accusing finger. Then he came smack up against a slight bald-headed man whose eyes accused him back. Mr. Garrison . . . It was like the trumpet call to charge. Fortunately, someone spoke to Garrison at that moment, and he was able to drop back a bit and compose himself. He reached into his pocket for his handkerchief and felt a ragged cigar that Ben had given him the day before. He put it in his mouth and lit up. They were all here. He caught a glimpse of Phillips in the hallway, looking at some books.

— Is there something burning? I smell something on fire.

He looked around into the eyes of Garrison.

— Is that a malady you've got, brother, that you smoke that thing, said Garrison. — Or is it habit and indulgence merely?

Nick found himself without words to reply.

— Anti-slavery wants her mouths for other uses than to be flues for besotting tobacco smoke.

— I don't smoke as a practice, sir.

— They may as well be rum ducts as tobacco funnels.

— Somebody gave me this cheroot and I . . .

— Not here I hope. We rejoice that so few noses here are thus profaned.

Nick stepped to the window and tossed the cigar away. Garrison clapped him joyously on the shoulder. — A revolution, he cried. Everyone turned to look. — A glorious revolution without noise or smoke.

— Please, said Mrs. Howe. — No revolutions while I'm here without my knitting.

— Look, a vice abandoned, a self-indulgence denied and all from principle!

The entire room was laughing.

Someone, looking out of the window at the cigar butt, saw Parker's hack coming around the corner. Mrs. Garrison lifted the cover off the piano, gave Julia Howe the key, and she turned it in the lock. Nick leaned forward. When the lid was opened, a blackbird would sing? The guests began to move toward the instrument. The door opened and Parker's footsteps came into the hall. Julia hit a chord and all sang to Parker as he stood, startled, at the parlor door. — *I am an Abolitionist, I glory in the name.* It was to the tune of Auld Lang Syne.

No one spoke to Parker about his attack that morning. Only Julia knew that he had been to Dr. Howe's office for an examination. She let someone else play awhile and she talked to the doctor when he came in after dismissing the hack. He was irritable and disturbed.

— How's the patient? she said.

— Worst I ever had!

— Sickest?

— No. Damnedest!

— Now Dr. Howe. Remember your sacred oath.

— Well, he is. He chivied me all during the examination. He criticized my technique of auscultation. Said I didn't spend enough time on the infrascapular region, talked on about his lack of *râles* and bronchi and gave me the medical history of at least thirty members of his family.

— What has he got?

— I don't really know. He's so badly overworked, it might be anything. I can't tell until he quiets down. Everything's off . . . pulse, heart, lungs, eyesight, headaches.

— What about the spitting of blood?

— I don't know. He's abused his throat so much it might be a strain or a malignant growth. He has a touch of bronchitis.

— What does he think it is?

— Consumption . . . or to quote him directly: Haemoptysis is frequently the precursory symptom of phthisis.

— Oh dear, said Julia. — Oh, I pray it isn't.

— That could be the least of his trouble if he doesn't slow down. He must rest. He must immobilize himself. He's a candle burning in a draught.

She turned to look at Parker a minute. He was at the piano, looking rapidly and happily through a music book. He placed the music on the

rack. The chords were struck and she heard a hoarse voice, rough, rasping and out-of-key, singing — *Despised, rejected . . .*

— Stop him, Sam, stop him.

Howe went to the piano and pulled Parker away.

Then in the midst of the singing and gaiety, Nick heard a knock on the door. He was standing in the hallway looking at the shelves of books that cascaded down the stairwall from Parker's study on the third floor. The others were making too much noise to hear it, and Nick wondered if he should answer for the host. He decided to open the door and slip out as the caller entered. He felt that he had stayed too long as it was and that people were beginning to look at him and ask about him. As he drew open the door, a tall slender man stepped in. The man gave him a nervous smile, obviously taken by surprise to see a stranger there. Nick saw that he had a scar on his chin made by a deep cut.

Parker caught sight of his visitor and came quickly to him, clutched him by the arm and started to lead him into the parlor. The door stood ajar and Nick stepped around it to the threshold. He started to wave to Parker, to leave without further ado, but could not gain his attention.

— I've come for a book, Theodore. I can't stay, said the man.

— All the way from Worcester for a book, Tom. I could have sent it to you.

— You mentioned a writer once on the old feudal codes, Salic and Ripuarian . . . before Charlemagne.

— Oh, that would be Potgiesser. It'll take you a year solid to get through it.

— I know. I've got the time. I'm going to give myself up to the police tonight.

Nick stepped back out of sight, but listening hard. Parker saw the door standing open. He slammed it shut. Nick found himself shut out but he walked away with the thrill of a great discovery.

— Please go upstairs, Tom, said Parker and Higginson, his hand held defensively to his chin, walked slowly up to the study. He hoped there wouldn't be too much talk about this thing he was about to do, the only course, he had decided after considerable soul-searching, that a decent man could take with the men sweltering in jail because of him. He shouldn't have come here at all but he wanted to show his stigmata and perhaps ask, if he dared, why they had forsaken him. He was disturbed, after he had sat for a moment in a wicker chair beside Parker's desk, to see that Parker had brought Phillips and Dr. Howe up with him.

— I thought it best to get the other members of the committee in

on this, Parker said. — It's really a matter of policy and we don't want another fiasco.

The three sat quietly, looking at him with kindly eyes . . . but they were such big men. Dr. Howe with his knight's beard and great wave of shining hair . . . He sat a little forward in his chair, the doctor did, anxious to confer attention, but his eyes seemed sharp as scalpels and Tom had seen them turn and cut. Wendell Phillips sat in profile, calm and relaxed, with his fingers together and his feet and knees held exactly side by side. Parker sprawled at the desk, his hands nervous, diddling with a pencil and touching a book or two lightly with his fingertips. Parker's face crinkled when he listened; on his face his answer always formed before the other man was through talking. And Parker alone seemed at home in this room. Howe leaned away from it, as if the walls, troubled by their rough and confusing appliqué of disorderly books, were going to fall on him. Phillips also sat away from the room, a calm stroke on swirling background. But Parker sprawled in it, alert to its flexibility, like a man relaxing but alert on the deck of a sailboat, ready to jump in an instant and trim to the wind.

Here the room was the man. The books were also sprawled out and apprehensive, catalogued by the touch system, always moving, always at hand in case of need, never set in dead rows, but in quick piles and heaps bulging like muscles and full of power.

And here, could he say to the man sitting under the bust of Socrates, the man with a face like a twin of the graven image above him, Why didn't you come? Why didn't you send the people? Why did you desert me on the edge of triumph? . . . No, the words stuck in his throat. Instead, he took two letters from his pocket and smoothed them out.

— These men in jail now. I feel we owe them something. Stowell has written me a letter and I've had one from the Browne boy. He's not twenty yet and he's very upset, shut up there with the colored people.

He stopped and looked up, sensing a coming of slight coolness into the friendly eyes. He smiled with all the charm he could muster. — They're rough customers and he's a college boy, prominent family and all that.

He looked down at Browne's letter. That's what it said and it had seemed appealing and important before. — I know this sounds a mite snobbish but he's asking questions, his sense of values is pretty badly strained.

He looked up again, smiling fully, but the temperature was dropping, dropping. He folded up the letters and put them carefully away, deciding to meet the thing head-on with the loud clamoring of his conscience.



— After all, there are eleven men in jail because of our plan. Don't you think we owe some responsibility to them?

— Do you think we can shoulder that responsibility by making it twelve? asked Dr. Howe, temperately.

— Well, yes. Do you think it fair that they should bear it alone when we three are so much more guilty?

— Then you want to make it more than twelve. What would be a fair number? Fifteen or twenty? Where shall we draw the line? There are more than fifty on the full committee, asked Dr. Howe.

— I'm willing to draw the line at one, said Higginson proudly. — I shall consider it the highest honor ever attained by a Higginson.

Parker felt his head throb at the temples and the crown and a sharp ache like two iron fingers pinching the back of his neck. He began to look through a book on his desk to calm himself. — Will your family regard it as such a great honor? he said as quietly as he could.

— Of course, said Tom. — Why, as a sample of how Mary is taking it, she asked me if my letters would be read by the jailer. My small niece had my picture hanging on the door the other day with a sign hanging on it, THE MARTYR'S PICTURE, and the family cat in a basket on the door-step labeled THE MARTYR'S KITTY.

Dr. Howe could see the flaunting signs of anger and discomfort rising in Parker and tried to head off the discussion. Phillips sat fixed in his usual iron calm.

— Why don't you wait and let them arrest you, Tom?

— I'm afraid of what would happen in Worcester, Doctor. They'll rise for me, to a man. It would bring on another disastrous riot. Saturday night there was a great public meeting and a committee of twelve was sent up to escort me there and I was received with cheer on cheer!

— Why are you so joyful about it, Higginson? Parker growled. — You act as if you were really going to some glorious martyrdom.

The roughness of his voice hurt Higginson. He looked at the three and found them hostile. He plunged into deeper recklessness, trying to rebuke them.

— I shall feel a joy in being arrested because I know that it will be an additional stimulus to the feeling of the people.

There was nothing but silence from the others at this. He rose in desperation, ready to go, flinging his gauntlet at them. — The men who are arrested are obscure men. But I have a name and a profession and a personal position, enough to stimulate the entire country. I went proudly unarmed into danger, where armed men behind shrank from



following. I did not even strike a blow. But I did try to break the Fugitive Slave Law and I will confess it, proudly and openly. And I don't think an American jury will ever convict me.

Parker turned the pages in the book with a rush. On his face, even to the top of his scalp was the dark stain of anger. Howe watched him pityingly, knowing the racing of the pulses in him, the dry throat and the two drumsticks of veins in his temples, beating a hard tattoo on his brain.

Phillips rose to restrain Higginson. — I am but a poor counselor, Tom, but as a lawyer, let me give you some advice.

— Gladly, Higginson said. — I'm not opposed to advice. I listen to everybody. I just wanted to make my position clear, that's all. Why has no one said anything? Why am I getting nothing but black looks?

— First of all, said Phillips gently, — you have evidently made up your mind to martyrize yourself.

— Not myself, said Higginson hotly. — What I said here could apply to any of us. I'm not selfish enough to say I was the only one involved.

— That's right, said Phillips patiently. — That's why I want to say a few words more on the matter. You were the only one at the Courthouse that was involved with this committee. The men they are holding now are actually mere adventurers with no political history, at any rate.

Higginson broke in. — Martin Stowell is not an adventurer. He's secretary to the Worcester Temperance League.

— Well, said Parker tartly, — he carried a very intemperate loaded pistol to the Courthouse and discharged it in a very intemperate spirit.

Phillips got up and laid his hand to Higginson's sleeve to stop his reply to this and went on in his calm way. — What we mean is that there is no political profit in prosecuting them. But if they could get to you, they might prove connection between the meeting and the murder. That would be very bad for our cause.

— Don't worry. If I give myself up I shall involve no one and admit nothing but breaking the Fugitive Slave Law.

— If you give yourself up, said Phillips sadly, — you won't be charged with breaking the Fugitive Slave Law. You'll be charged with murder.

— Murder, said Tom blankly. — But I was unarmed!

— So were the Marshal's guard. That's what they intend to say, Tom. We have that from the County Prosecutor.

The room was quiet. Higginson could hear Parker turning the pages. He heard him close the book with a slam, and get up. Suddenly the complexity of the situation burst upon him. He struggled against the

hard death of the martyrdom within him. He went to Parker and took him by the arm. He pleaded with him.

— What are we going to do about our guilt? I'm a clergyman. So are you. We've broken the law. Aren't we obliged to confess it? Isn't it a lie not to confess it? How can we be an example to people if we conceal our guilt like common thieves? Can we rest because other men, common men, ignorant men, adventurers, are in jail today who have done less than we have and have done what they did because we told them to?

— Go ahead, said Parker turning away. — Give yourself up if you're guilty. I'm not responsible for your conscience. I have enough trouble with my own. The charge that will be brought against us is murder and treason. How do I know if I'm guilty or not? I'm glad Batchelder was murdered. I wished the same for Watson Freeman. That makes me as guilty as if I had planned it. If they had laid hands on me to carry me into slavery, I would have killed them with as little compunction as I would a mosquito. Should I do less for my brother? How do I know what special acts of mine will be brought up against me if I give myself up and plead Guilty? I think they'd indict my own mother, dead thirty years, for treason because she bore me. I have committed misdemeanors all my life . . . all my life in opposing and resisting any and every assault upon freedom, resisting the slave courts, its commissioners, its judges, its marshals and its marshal's guard. Why should I give myself up now, and thus be able to resist no longer? Life itself is checking my resistance, rotting my entrails. . . . Should I let a pack of dogs whom I despise snuff me out before nature itself?

Higginson stood sheepishly silent, his chest deflated, his high narrow shoulders bent. He put a conciliating hand on Parker's back. Parker shook it off with an almost imperceptible movement, went back to the desk, sat down, pulled out his watch and started to take his own pulse. Dr. Howe took the watch away from him and laid it on the desk out of reach.

Now Higginson sat down again. — I guess I was wrong. I'll leave it up to the committee. Perhaps they won't arrest me after all. I think public opinion will be too much aroused.

— They'll arrest you, said Dr. Howe, unconsciously smacking his lips. — There's a warrant out for you now, but they're holding it back.

— Why are they holding it back?

— Because they want to catch some bigger fish than you, possibly. Some of us are a little better known in Boston than you are, although no great shakes in Worcester perhaps.

Parker grinned. Howe went on quickly, his voice faintly touched with malice.

— Hallett is going to work on the grand jury for an indictment against Wendell and Theodore. We know he has approached two people for witnesses, and he had some men at the Music Hall today, taking down the sermon.

— I didn't know about all this, Higginson said.

— Naturally they wouldn't dare to mention it in Worcester, but it's common gossip around this unregenerate town. We think the coroner and his jury are favorable to us. They might hand down a verdict of accidental homicide by the police.

Parker raised his hand. — Let me put a word in here. Let me tell you how we might get this verdict. Because Waldo Emerson's brother-in-law is the medical examiner, and doubtless will be guilty of subverting evidence in order to throw the crime on the Marshal's guard.

Higginson writhed in distaste. Parker saw his discomfort. — Does this offend you, Higginson? . . . It's not quite heroic, is it?

— Frankly, I find a rather nasty odor about this thing. I seem to smell the decay of corruption in here.

— That's not the smell of corruption, my boy, said Parker. — That's the stink of power. It's faint now, but it will get stronger and it will be on all of us.

Suddenly, again, Higginson felt revulsions to conquer. He walked to the window, feeling himself flung full circle again. Feeling as he had after the attack had failed, hanging like a naked bat surprised by daylight, against the wall by the broken door of the Courthouse.

— I don't know, he said slowly. — I don't like this. I didn't do what I did, or ask others to do it, for the sake of gaining power. We did . . . I think we all, all of us here, tried to save a man. But look at the way we're going. Do you realize that not once during this entire discussion has any one mentioned Tony Burns and what might be happening to him this very minute?

The other three looked thoughtfully at each other, realizing that there was still a great deal of talking to be done before Higginson could depart and get free from their counsel without being a source of danger. Phillips motioned to Parker to take up the matter. Parker began in a rather heavy, deliberately brutal mood.

— Let's forget about Anthony Burns for the moment Tom, and how Worcester feels about things. Burns is gone. We don't know what they're doing to him. They might be beating him to death. Such speculation at

the moment has only sentimental value. The act has been enforced. Law reigns, as Ben Hallett says. The bells tolled his passing. You and I preached the interment sermon this morning. But Burns is not the only victim of the plague. Now the bells are tolling for us.

He got up and looked a moment at the muskets now restored to their whittled clamps above the fireplace, running his hands over the seamed, honey-colored stocks.

— Our bells were started by the death of Batchelder. I don't know whether Stowell killed him or not. Tom Drew says he did. He's hidden his gun somewhere with a shot missing.

Higginson turned to them in sorrow. — You know Martin Stowell wouldn't.

— We don't care whether he did or not, Parker said. — But we've got to be ready to defend him. If Drew says it, there might be others. That's up to the coroner's jury to decide after they get a report from the medical examiner. It happens to be our jury. In other words, we have enough influence on that jury to bring in a verdict favorable to us, regardless of the facts.

— Then it is a fact that Stowell killed him, Higginson said.

— I don't know, said Parker. — I don't want to know. Dr. Jackson has ruled that it was a stab wound. That's enough for me.

— And it will be thrown on the guard?

— They say yes . . . but I don't think it will be left that way. Certain people have to be protected. Certain people have to save face. So it boils down to this. If they say it was a pistol shot and blame Stowell, that will be the end for all of us. If they say it was a knife wound and blame the guard, we'll still be at the peril of proving our case against the United States Government. But if they say it was a knife wound and blame Stowell, the case will never be proved beyond a reasonable doubt, because Martin Stowell was carrying a gun.

Dr. Howe looked at Higginson with amusement. — It's a mite complex, isn't it, Tom?

Tom put his hands to his head. It was aching now. — I didn't ask Martin to bring a gun.

— I'm glad you didn't, said Parker. — We want the other side to do all the shooting. We're not strong enough to hide behind firearms yet. But I think they know he had a gun. So let us assume we can't get a verdict of accidental homicide by the police; that we have to give them *quid pro quo*. Let them charge Stowell. We got a quick burial without an autopsy. They get a person's unknown verdict.

Higginson wrinkled his face in bewilderment. — But everybody is already saying he was killed by one of the guards. If we control that jury, why compromise? Why put Martin under a murder charge at all?

— Because if we blame the guard, the government will go looking for that gun, and they'll find out where he bought it and who met him at the train and all the rest of the links in the chain from the meeting to the attack.

— I still don't understand . . . If the jury is ours . . . Tom began, sinking deeper and deeper into his chair, obsessed now with the idea of lightening the charge on Martin Stowell.

— This jury, the coroner's jury, is ours, interrupted Parker. — But this case will come up before another jury, possibly two. It will come up before a grand jury drawn by Mayor Smith and instructed by District Attorney Sanger. Sanger is a fair man, but he's under great pressure and we can't be sure of what he'll do. After all, we have to assume that the other side will fight as hard and as deviously as we do.

Higginson got up and stretched himself, yawning with tension. He twisted and turned his neck like an angry swan. He tried to walk around the room but he found he could not take three clean strides without stubbing into some books or pamphlets piled on the floor or a chair. The floor was like a trap or a rocky field a horse couldn't get a plow through without twisting and turning and making his seed cut all whopper-jawed.

— I'm not convinced, he said, his voice pitching high and shaky. — I think you're exaggerating the thing all out of proportion. You're making it too devious. I still say we have nothing to fear from a jury. We have the best lawyers in the country . . . and I'm sure some newspapers will print our defense.

— Sit down, said Parker harshly. Tom sat. Parker turned to Phillips. — I'm going into the legal thing a bit, Wendell. Correct me if I'm wrong.

— I wouldn't think of it, said Phillips smiling broadly. — I'm sure I'll like your way better.

— Tom, Parker said, standing before Higginson, who slumped like a stubborn child in his chair. — It seems I've got to put the fear of God into you after all. You may have some honest and romantic notions about a jury, but you're thinking of a trial jury. What do you know about a grand jury?

— Practically nothing, mumbled Higginson.

— Then listen. A grand jury meets in secret and admits no newspapers or attorneys for the defense. It exists solely for the aid and comfort of

the prosecutors of the law. It is the creature of the accusers. Mainly, it is the creature of the judge.

— Let us presume . . . well, we don't have to assume, it's already a fact . . . that our matter comes up before a judge who received his office as a reward for party services . . . was made a judge because he was one-sided as a lawyer. In all criminal cases he is expected to twist the law to the advantage of the hand that feeds him. Especially is this true in political trials, prosecutions for opposition to the party the judge represents.

— Now this judge has a body of men before him to cull out a grand jury which will uphold his attempt to pay his political debts. If he has a case of breaking the Fugitive Slave Law, he challenges them thus: Have you formed an opinion that this law is unconstitutional so that you cannot indict a person under it for that reason? All those honest enough to say yes are swept aside. That is riddling number one.

— Then he asks those who have no doubt that it is constitutional: Do you hold any opinions on the subject of slavery or this law which would induce you to refuse to indict a man for helping his brother to freedom?

Parker swung his hand in a great arc like a cavalryman in a saber charge.

— More heads roll, more good men and true are found wanting. But there are a few faithful left, and the judge puts his next question . . . the worst: Will you accept for law whatever the court declares such?

— Not many deny this question. To do so would be to be put out of the grand inquest and declared not good men and true.

— Then he gives him the oath. There are various forms of it. I could quote it verbatim if you wish . . . but you will swear to keep secret the counsel of the prosecutors' and your own and your fellows' information and opinion. Then the judge selects the most pliant member as a foreman, usually some postmaster or petty official looking to the government for his bread. Then he delivers his charge to them. Out of the whole complex of law . . . he might go back to the Norman Conquest, or before it . . . he selects whatever special weapon will best serve his immediate purpose. This is the law, he says to the jury, that you have sworn to enforce. I have not made it. It is the *lex terrae*. If he cannot find a weapon that perfectly fits, he combines others to make it . . . to make a straight statute into a hook and catch hold with that.

— Thus he constructs the jury out of the men he wants, constructs the law and bends it to the offense. All the jury have left is the work of listening to the evidence and signing the bill, *billa vera*, a true bill.



— Bravo, said Phillips clapping his hands. — But you forgot Ben Hallett. Let's get him into the picture.

— Oh yes, Parker said. — The judge hands the jury over to the District Attorney, another agent of the government, appointed for his party service, expecting future pay for present work. There are such District Attorneys, gentlemen.

— Hear, hear, said Dr. Howe, beginning to laugh. Both he and Phillips were enjoying the speech immensely. The hard, tight, doomsday gloom of the room was swept away by Parker's savagery.

— We cannot expect that this place should always be filled by such unblemished integrity as that of the Honorable Mr. Hallett. Such a District Attorney, bearing his great commission in his look, his political course as free from turning and winding as the river Missouri, high-minded, spotless and unsuspected, never seeking office, yet alike faithful to his principles and his party and with indignant foot spurning the administration's bootless bribe.

Parker stopped for breath and joined in the laugh. Then he went close to Higginson, showing off a bit to the others and looking merrily at them out of the corner of his eyes. He pointed his finger almost in Higginson's eyes and said:

— And this Attorney talks to the most pliant jurors, coaxes them, wheedles them, swears at some and threatens them with the displeasure of the government. . . . He might tell them not to find guilt is an act of perjury.

Higginson angrily pushed the mocking offending finger away. — Why are you making a joke of this thing now . . . and of me?

Parker stopped, realizing he had gone too far; been too gay with his own eloquence whirling in his head like wine. He sobered himself and said, — I'm sorry. You're right. It's no joke. But in conclusion, if the grand jury hands down an indictment of murder, you are brought to trial for murder and you discuss murder and defend yourself against murder and it doesn't give a hoot about any other law.

Howe and Phillips knew that an embarrassing situation had arisen. They drifted together over to the bookshelves and began to take down some volumes and discuss them in a perfunctory way, avoiding a look at Higginson, taut with fury. Parker decided that the best thing for him to do would be to brazen it out and he stood facing him, looking him straight in the eye.

Higginson got up awkwardly, seeking in his mind for a phrase to extricate himself from the room. He put his feet on the chair seat one



after another and retied his shoes. Then he said in a voice kept low to conceal the angry tremor in it: — The guilt still has to be proved in open court. I'm not worried.

— You shouldn't be, Parker said tartly. — You've already admitted your guilt.

— Not of murder.

Phillips nudged Howe to go in and break up the conversation.

— You can't plead to anything but the indictment, Tom. That's what he was trying to explain before he got off on Ben Hallett.

— Well, said Tom overcasually as he tried to conceal how much he had been hurt. — Why can't we go to this man Sanger and see what he has in mind? . . . If he's a fair man.

Parker laid a placating hand on Tom's sleeve. — That might be a good idea. I think we could approach him directly on this. But our real problem is the Circuit grand jury. That's Justice Curtis's jury. Of course he has his eye on the Chief Justice's chair. Don't you think he'll get that office if he silences us? He and his kind can never happily advance unless our kind are silenced. The sheer logic of his position will indict us. On top of that, there's personal malice deep and long-cherished against me for some remarks I once made about him. I have a way of stinging people from time to time.

— Amen to that, said Howe to Phillips.

— As you doubtless know yourself, Tom, said Parker. — But you're the last person in the world that I should get riled. You and Martin Stowell could be an ax for the government to grasp with a red hand and cleave me from crown to pelvis.

— What if they arrest me tonight? Tom said.

— Get back to Worcester and get yourself a good lawyer, urged Howe. — Dana says you must above all have counsel with you at the time of your first examination. Another lawyer told me, John Andrew in fact, that the best thing you could do would be to get out of the country. To Nova Scotia or Canada for a while.

— What does he take me for? Higginson said. — What makes him think I'd turn tail and run at a time like this? How could he think of such a thing?

— It was probably suggested to him by some of the more proper members of the Vigilance Committee. You could involve a lot of very respectable people by answering three or four questions unwisely. I personally think you owe us all some discretion before the courts.

— I don't know how good a lawyer I can afford. I'll get the best I can.

All three assured him that there would be plenty of money available for him. They talked of lecture dates at fifty dollars a night. Phillips spoke of a dozen lectures he could turn over to him in the West. Dr. Howe mentioned a series of lectures planned for that winter in Boston. He said he was on the committee and that they were to be anti-slavery lectures.

Parker's ears pricked up. Tom said he thought it would be unwise of him to accept Phillips's offer of some canceled lecture dates in the West, because of his wife's ill health, but he was willing to speak anywhere around New England. Dr. Howe had intoned his offer with a graceful bow of the head, assuring Higginson that there might be a very good chance of gracing the platform in the near future.

— What anti-slavery lectures? Parker asked. — I didn't know about this. Who's speaking? You, Wendell?

Phillips shook his head.

— Has Garrison been asked? Or Abby Foster?

— I don't think so, said Howe nervously.

— Why not? asked Parker.

— I don't know why not, said Howe. — I didn't get them up. I'm merely on the committee. Stone is getting them up and he has a certain plan that he's very anxious to try out. He's asked both sides to speak.

— Both sides, said Parker hotly. — What is he going to do, invite Toombs of Georgia, Benton of Missouri and the rest of the slave hunters?

— Yes, said Howe nettled to the core. — That's exactly what he intends to do. They have been asked and have accepted.

— And may I ask who is to present the rebuttal to these gentlemen, if Wendell Phillips, Lloyd Garrison and Abby Foster are considered *personae non gratae* at these so-called anti-slavery lectures?

— Well, we have Dr. Stone and C. F. Upham.

— Dr. Stone? An unfrocked minister no less, and the genteel C. F. Upham! You couldn't find two weaker men. Stone is like a little gadfly picking and picking, and Upham manifestly insincere. I mean it, Chev . . . A rank opportunist, manifestly insincere.

Howe flashed out in indignation. — Come, come, dear Parker. Let us be a little charitable. Why swear at Upham? Why jump to conclusions that he would not do well? Why do you have to forever be such a terrible Turk? These are not anti-slavery lectures. These are an attempt to reach people in the middle of the road. If we advertise you and Phillips and Garrison and Abby, do you think we can get the mouths of three thousand Hunker Whigs open to shove down anti-slavery doctrines?

— It's a retreat, Chev, and you know it. This is exactly the time Wendell and I should be asked. Now that we are under attack, don't you see that by snubbing us you give comfort to our enemies?

— We're not snubbing you. We're reaching for an audience that you and Wendell cannot and never will be able to command. You have other places to talk. You're not barred from platforms in Boston.

— I might be if this series is taken for an example. I have an idea that that's just what it is. The tide is turning, and Stone and company are trying to take over the movement and make it respectable. They think that if they give an anti-slavery series without us, no one else will be obliged to listen to us and we can be put into the background. I take it as a plot to discredit and isolate the radicals in the movement.

Higginson looked at them in horror. He had never seen them quarrel before. Before this afternoon, he could never remember raising his own voice in anger to a friend. If you got that angry at people you just dropped them with a cool good-by, and it was all over. A few dollars for some lectures . . . — Please, gentlemen, he begged. — Let's forget the whole thing. I'll get along quite well. It isn't worth an argument.

Howe swung to look at him with his scalpel eyes, and then turned back to Parker as if Tom hadn't spoken at all. — Why are you so all-fired destructive? There is a tendency in your mind to attribute unworthy motives to everybody who will not go along with you. You overrate things; you are getting childish. You think that people always have you in mind when they say and do things, while in reality they do not think or care about you. More shame to them, but there it is.

— Don't you think they should have had me in mind when they have a slaveholder and an eloquent apologist for his system speak on a Boston platform and expect him to be answered?

— Perhaps. But since you are so upset about this, I'll tell you why you weren't asked.

— Because I am about to be arrested and confined in a jail . . . handcuffed, on the way there, to some dirty pickpocket or rapist. I know why. I have lost the last claim to respectability. I am now no longer a traitor and infidel, but a felon: jail meat.

— No . . . No. That's not it at all. It's because, and let me assure you these are not my words . . . it's because you keep a collection of scalps in your desk at the Music Hall. While we listen, you pull one out and shake it at us and then put it away. It is the scalp of a clergyman. Perhaps Stone's scalp. Pretty soon comes another and another. Scalps of marshals, of judges, of presidents even, all bloody and chewed up. People get satiated

with scalps. . . . Every Sunday, scalps . . . To see one once is impressive, but you shake so many of them . . .

Parker sat down again in agony, groped for his watch, and started again to take his pulse. Howe went quickly to him, his face suddenly stricken with great unhappiness. He took Parker's hand away from his wrist and held it in his own hand, counting by the watch. Parker tried to pull it away but he held on.

— Now I believe you did say it, said Parker in a choked voice. — Now I believe you did say the most terrible thing that has ever been said against me.

— You must be quiet, Parkie. Your pulse is over a hundred.

— You said that I was not religious enough for you.

It came out as a kind of a cry, high and childish.

— Be still, the doctor said, laying his head against Parker's heart.

Higginson got up and went to the door. He had an impulse to flee. He looked over his shoulder at Parker sitting in his chair with his head thrown back and his eyes closed while Howe held his arms around him and his ear still at the sick man's tortured chest. Higginson opened the door. An old sweet song was being played on the new piano and someone was singing sad words over an undercurrent of happy laughter.

Phillips drew him gently away from the door and closed it. — Just a word or two before you go, Tom. We must never pronounce the word Guilty of ourselves. Never. I shall not. I shall confess to all my speeches, yet maintain my innocence. We shall have to confess something, of course. Our doctrines . . . principles, the advice we gave. We shall never, any of us, deny this. But in your case, the gist of the matter is not your principle that you would resist the law, but the fact: did you resist?

— Mr. Parker . . . What's the matter with him?

— He's had a sick spell today. Nothing serious . . . Phillips smiled in his calm way at Tom. — You should avow all the time that you approved what was done, but you must say, What is that to me, Tom Higginson? Show that I did break through that door. I doubt that you can identify me at all.

Dr. Howe was unbuttoning Parker's collar and shirt. The sweat was standing out on Parker's forehead. Dr. Howe began fanning him gently.

Phillips went on; his tone was temperate but his voice had a hard edge as if he were trying to cut Tom away from his preoccupation with the man gasping in the chair.

— The United States Government has hired only two rooms in the Courthouse. You had as much right as the Marshal himself to enter it.

Even if you confess the act, claim on other grounds you did not violate any law.

— Confess the act? asked Tom in confusion.

— Only after you have pleaded Not Guilty. By that means you will secure a jury. The jury might feel this law is unconstitutional. The best policy is to baffle the government by making them prove everything. This chance of preaching to a jury is perhaps the most important thing you have fought for. You will do all your honor and conscience can claim if you avow all you before professed but that you are innocent of this particular charge. You will not only help the agitation by a trial but by beating the government. A great point.

Phillips opened the door. — And now you'd better run along.

Higginson gave another glance back at Parker. Dr. Howe was looking intently down at him, stroking his beard with a puzzled look on his face. — Oh, about that night at the Courthouse . . . Tom said.

— That you did not tell me or give me a chance to help you instead of making a fool of myself in Faneuil Hall . . . I shall never forgive you.

Phillips stopped a moment, looking back at Parker to see if he had heard. Then he gave Tom his hands . . . — But I will say nothing more about it until we are both in jail and can discuss it at our leisure.

— But I told Mr. Parker, blurted Tom. — Why didn't he . . . ?

— *Sh*, said Phillips.

But it was too late. Parker had opened his eyes and was looking straight at Tom. He started to get up. Howe tried to hold him down but he pushed the doctor's hand away and stood up. — Tom, he said, walking painfully to the door. — There's something I wanted to tell you. What was it now? He rubbed his hand wearily over his bald head.

— That's all right, sir. Don't bother with it now. Later.

— But it's important. Oh yes. I haven't got it, but go to alcove twenty-four, shelf one hundred and thirty, of the College Library at Cambridge and you'll find it. It's a thick quarto, bound in vellum. The full title is *Potgiesser de Statu Servorum*.

— Thank you, sir, said Tom.

He looked sharply at Parker, trying to change his pity into resentment. But the last words had disarmed him. The dusk was deep by the door and it covered as dust does the petty details of a plaster cast of a classical statue, the surface play of the savagery and self-pity that had rippled over Parker's face in the moments just past. Now he could see only the revelation of the bare skull and the translucence of the skin over it, already showing the wasting away of the flesh beneath from the fire of the fever inside.

He looked into the deep eye sockets; looked for the curtain of evasion, dropped by the final words. But in the clear eyes he saw that the question of the book had been the deep one resting there all the time and that the others had been as veils to be brushed aside. He saw that to Parker such crises were but interruptions and never ends in themselves.

He saw the calm glint of eternal knowledge in Parker's eyes . . . as darkness collects in the bottom of a deep well, the sum of light years from the stars.

# THE SECOND ORDEAL

OF CULPABILITY IN MAKING THE INNOCENT SUFFER FOR THE GUILTY

*He was oppressed and he was afflicted,  
Yet he opened not his mouth.  
He is brought as a lamb to the slaughter  
And as a sheep before his shearers is dumb  
So he opened not his mouth.*

*But he was wounded for our transgressions  
He was bruised for our iniquities  
The chastisement of our peace was upon him  
And with his stripes we are healed.*

EIGHT DAYS out of Boston and the cutter was opposite the port city of Norfolk in Virginia. In celebration of the rendition, Asa and Riley were invited ashore and paraded through the streets in pomp, led by Norfolk's mayor, who assured them that he had nothing but the highest feeling of regard for them in spite of their point of origin.

Tony, the prey dragged along in the train of the hunters, looked with new and wondering eyes at the town, finding it dirty and ill-arranged. He saw only one building that compared with the structures on the Boston streets, and had great difficulty in stepping over and around the filthy vegetable refuse and garbage that came from the country wagons bringing goods from the backlands for export. He looked apologetically into the embarrassed eyes of the scavenger cows who grazed through the town in the office of the turkey buzzard of the deeper South, munching on the gutter-slop of cabbage ends and slimy greens.

The constables were taken to the hotel and given a sumptuous banquet and bed. Tony was thrown in the city jail with the appropriate reverse ceremony, and kept there two days with one meal and no bed.

On Monday, the voyage to Richmond was resumed and finally Tony



was deposited in the common jail. A great many people came to look at him, not without awe, for his journey there had cost the government a sum ranging from Marshal Freeman's estimate of thirty thousand to a thumping round sum named by Governor Wise of Virginia as one hundred thousand dollars. So much for such a tranquil man, they wondered, no great shakes as a fighter, surely. What on earth had cost the state so much to bring him in?

The local papers tried to explain this by pointing out that he had been befriended by the Mad Parson. Measure this, they exhorted, against the cost of a skein of hangman's rope and see how uneconomical the country has become. The hanging of Parker and Phillips, aside from all patriotic and virtuous considerations, should be carried out for the good of the business of the firm of United States and People, and to insure the threatened prosperity of each one-twenty-millionth proprietor of it. And although Tony was not of the owning class, it must be confessed that he got a dour satisfaction out of the thought himself in some of the unchristian moods that came upon him as he watched less ambitious slaves walking in comparative freedom in the streets of Richmond.

Ten days after Tony had been there in the jail, William Brent came to see him. He was with a slave trader named Lumpkin. Tony was turned over to him for disposal, and he was given Tony's new suit and pocket money for his trouble. This was in consequence of an agreement he had made with Brent not to put Tony up for sale right away but to kick him around a bit before. It had to be a secret agreement, fed by a bribe, because Colonel Suttle wanted to sell the boy at once and get back the money he had laid out for the trip North.

Lumpkin's jail was one of the sights of the capital. It was a handsome three-story brick structure, set in an acre of land and surrounded with a high fence which was topped by a thick-set column of iron spikes. Tony was put up into a tiny room, six feet square, directly under the roof of the jail. This room was accessible only through a trap door. It contained neither bed nor chair but there were two boards on low blocks and one blanket. For no extra charge, Lumpkin provided handcuffs and fetters for his feet. The heat under the roof in a Virginia summer would make his ankles swell and add to his punishment. The fetters also prevented him from removing his clothes for sanitary purposes and therefore would cause him to be in as revolting a condition externally as his mind must have been when he broke the law of God and man in his wretched flight. His food was not much of a problem. Since he could be fed with some corn bread and bacon shavings, he would need no fork, plate or knife and

the water could be left in a large bucket and replenished once or twice a week. Fresh water would be an idle gesture in that heat anyway and the contamination from his body itself and the foul and noisome creeping things that his personal filth provided would render his appetite insecure, to say the least.

This treatment was well thought out: it was accumulative and would grow progressively worse instead of better, and it required no expenditure of energy in beatings.

At first, he was taken out for the benefit of visitors who wished to see him and shout imprecations at him. But then he became so filthy and smelly that his appearance could not be laid at the door of natural indolence and the exhibitions were stopped. Lumpkin noted with satisfaction that this move disappointed Burns, and expressed wonder to his friends that a being could be so depraved that he would enjoy being brought in chains and filth before a company of berating enemies. But his hearers assured him that human loneliness was the most awful of scourges and, coupled with monotony of scene and diet, could cut deeper into the penitent than anything else. After that, Lumpkin took the most careful precautions against any communication between the other slaves and the man tainted inside with unholy freedom.

But even then, Tony kept his place in the event for in every picture . . . as the ancients knew when they daubed their chronicles on the walls of their tombs . . . there must be the fundamental polarity of existence, the lion and the lamb, the leopard and the deer. And thus Tony, the submissive, the one everything was done unto, kept his polarity with Parker and Hallett.

\* \* \* \* \*

There was no polarity between Hallett and Parker. Both were fierce and unprolific, a lion and a leopard, each guarding what they treasured from the prolific who might squander it with too much gendering. Hallett was every inch the stalking cat when Watson Freeman came to him to complain about the attitude of George Sanger, District Attorney of Suffolk County.

The examination of the men who were arrested at the Courthouse had been held on June 6, and only four of them had been bound over to the grand jury for probable cause of murder. Three had been held over for riot, and the rest discharged entirely.

— Why, Ben, why? wailed the Marshal. — They amended the charge

from murderous assault with firearms to murder with a sharp weapon, and then they let Hopewell go, the nigger that they caught with the sharp knife.

— I don't know, said Ben, — but I'll damn sure find out. We'll have to get George Sanger over here to explain it.

On the day and hour appointed, Ben, Queeny and Marshal Watson Freeman sat in silence in the office in the Courthouse. Watson was full of his usual frantic forebodings. Nick Queeny kept inspecting the crease in his new trousers, lifting each pantleg carefully as he crossed and re-crossed his nervous legs, and Ben rolled about in his oversize, custom-built armchair, reaching here and there over the wide desk for papers and notes which he had deployed in a wide arc before him like troops ready to do battle.

Sanger had been walking aimlessly about the city for a half hour after his appointment. He meant to be late and he was, and when he finally came in, his hat thrust carelessly on the back of his head, he nodded curtly and sat down in a chair near the door, conspicuously without the circle of the conferees.

George Sanger did not look like a prosecutor. He had a face so boyish and a smile so fleet and friendly it was hard to resist patting him on his curly head and giving him a piece of candy. To offset this he affected big black cigars which twisted the smooth, relaxed contours of his face into a worldly though artificial snarl.

— Come closer, George, Ben said genially. — You're not in church.

— I'm comfortable, Sanger said, leaning his chair back against the wall and puffing out clouds of smoke.

A sharp spasm of anger and disapproval swept across Ben's face. He had an empty chair at his right elbow. Ben waved Nick into it.

— You know the Marshal, of course, and this is Nick Queeny, Ben said.

Queeny got up from his new position to cross to Sanger with outstretched hand but Sanger merely took his cigar out with his right hand and flicked it at him.

— One of Louis Varelli's boys? Sanger said.

— Certainly not, Ben answered, as Nick backed into his chair again, a deeper red spreading over the hard pink of his bony face. — Mr. Queeny is being retained as a special deputy. Riley is still in Virginia with Asa Butman.

— Being wine and dined, I suppose.

— As befitting the material symbols of our willingness to see the laws

of the land enforced, Ben said. He bent forward as Nick Queeny whispered hotly in his ear.

— Oh, I don't think that's necessary, Mr. Queeny, Ben said, then turned to Sanger. — Mr. Queeny wanted me to assure you that he is not associated with Louis Varelli, a rather gratuitous denial considering the very real service Mr. Varelli has done the Commonwealth in the days just past.

— Well, I must admit he's been a big help to my department. We haven't had a robbery or a rape case come in since his gang took over the Courthouse. It must be confusing for the boys just the same to be paid for doing things for the last ten days that they've been arrested for in the last ten years.

— Now listen, Sanger, Ben said. — I don't know what you've got against me personally, but let's drop it for now. By virtue of my office I have to do the same thing in the Circuit Court grand jury as you do in the District Court. There's been a serious crime committed here in your jurisdiction against an officer of the United States and I have the right to demand your co-operation.

— Since when has an unemployed teamster been an officer of the United States?

Ben pulled over a paper from his documentary redoubt. — I have here an opinion from Attorney General Cushing that any and all men called upon by the United States Marshal to aid in apprehending a fugitive are officers of the United States Government.

— All right. Let's transfer the whole thing to the Circuit Court. Sanger rocked his chair back to the floor with a thud and stood ready to leave. — I'll send the records over to you in an hour or so.

— I'm afraid your records won't tell me the whole story, Sanger. I have an idea that they will be, shall we say, incomplete.

— Are you trying to teach me my business? said Sanger.

— I wouldn't think of it, said Ben with a smirk. — From what I hear, your business is very good. It's your law I'm worried about.

Sanger turned deliberately, sat again in the chair, took off his hat and laid it on the floor, looked briefly at the ceiling, and said: — Hallett, I know you like to goad people and I'm not going to feed your vanity by being insulted. Goad all you like. I'll sit here as long as you want me to, but I promise you I won't give a damn.

— Then it must be true that you're going to be made a judge in a month or so and don't have to worry as much about your job as I do.

— It is true that I might get an appointment. But I don't think I'll have to knuckle down to you because of it. Or do I?

— You know I'd never stand in a man's way, George, when he's destined for higher things; but just as a matter of professional curiosity will you tell me why, out of eleven men held without bail for murder twelve days, only four of them were sent up to the grand jury?

— Because of professional courtesy, Mr. Hallett. Because the United States District Attorney came crying to the coroner and said he couldn't do his job unless these men were locked up on a trumped-up charge of murder by firearms. Is this the thanks I'm going to get, Hallett? How would you like to stand up in Court and ask the Judge to amend a charge of murder by firearms to murder by an entirely different weapon after you had held men for twelve days?

— A technicality like that wouldn't bother me in the least, said Ben. — But if I had the men involved there, men that were caught red-handed at the scene of the crime, I wouldn't be able to lift my head again after seeing two thirds of them set free.

— Red-handed, my foot. Was a man named Walter Phoenix red-handed when he threw a brick or Albert Browne or John Wesley when they did the same? Was Henry Howe when he called for a rescue or Johnny Cluer when he made a speech? What about John Robert, arrested for putting out the gaslight ten minutes before the attack even took place? Are their hands dyed with blood? Even the men bound over had clean hands. Three of them were arrested carrying a battering ram and one had an ax. Do you want their names? Do you want to ask them how they could let go of their burden long enough to stab someone?

— I know their names, said Ben. — On the ram, Bishop and Jackson, colored; Morrison, white. The Chief testified Stowell carried an ax. We think he had a gun.

— Have you got a better witness than the Chief of Police?

— Not at the moment. He isn't the only officer the aldermen have bought and paid for.

— Then that's all you know about them, Hallett. They're just names with nothing behind them, no previous record, no organizational connections, nothing. You got me over to press the murder charge before the grand jury. Could you make murder out a series of such trivial, disconnected acts?

— Yes, yes, said Ben quickly. — They were not disconnected acts. They were performed in concert. They were part of a scheme.

— We claimed that, said Sanger. — Both Chief Taylor and myself, but the judge disallowed it.

— I know, said Ben craftily. — You claimed that they were performed in concert, but you did not give the name of the leader of the band.

— If you're talking about Theodore Parker, he wasn't even there.

— Strange you should mention that name, Mr. Sanger. You must have been reading my mind.

— Not at all. I merely read his sermon of last Sunday. He's the one who is reading your mind.

Watson laughed. It was a dry cackle and it brought a faint redness to Ben's face. Ben gave him an angry look and then glanced down at a paper folded back on his desk. He began to read from it. — To support an indictment under the law it is not necessary to prove the accused used or even threatened violence. If they are leagued in the common design and so situated as to be able, in case of need, to afford assistance to those actually engaged, although they do not actually resist or oppose, although no act is done by them, they are still guilty under the law.

— That's your opinion, Hallett. I wouldn't give two cents for it.

— Oh, no, it's not, said Ben shaking his jowls. — I should not presume, as a mere Brown University graduate, to instruct you. This happens to be the charge delivered by a justice of the Supreme Court. This is the way Justice Curtis is handling the case before my grand jury. I happen to think it has some merit. He is, like yourself, a graduate of Harvard, and considered one of the finest legal minds in the country.

— So he is. So he is. I grovel in the light of his juridical fire. But what has it got to do with my case? What's the connection?

— It has everything to do with your case. You have under arrest a group of men who have performed a series of acts, petty in themselves but linked to a common design that resulted in a murder of a United States officer. You have lost the case before it is even tried because you have not arrested, or even named, the leader of the design. This case is nothing without Parker . . . everything with him.

Sanger began to look worried. — Let me have a copy of that charge for a moment, Ben, he said in assumed carelessness. Ben threw a copy of the *Boston Post* of June 7 over at him.

— The fact that he wasn't in the square at the time of the arrest is covered by the next paragraph, said Ben. — And therefore, in pursuance of the same rule, not only those who are present but those who, though absent when the offense was committed, did procure, counsel, command or abet others to commit the offense are indictable as principals.

Sanger threw the paper to the floor. He was beginning to show a lack of composure. — But Parker specifically did not counsel an attack.



He spoke against it. I heard him. If you must know, I was there too.

— What are you so excited about, Mr. Sanger? asked Ben in a soft voice. — Are you giving up your office to defend Mr. Parker?

Sanger picked up his hat and looked into it, studying the lining, trying to hide the concern on his face from Ben. — No, no, but this charge is too broad. My God, my seventy-six-year-old grandmother, who is incidentally a parishioner of the clergyman in question, stood in front of the Courthouse four days and broke the law under these terms. Do you want me to find a bill against her? She'll turn herself in when she reads this, damned if she don't.

— I'll make every effort to see that your grandmother gets off with a light sentence, George. Now to continue with Justice Curtis. The real question is, did the accused command, counsel or abet the offense committed? If he did, it is of no importance that his advice or directions were departed from in respect to the time or place or precise mode or means of committing it. He is by the common law an accessory before the fact, and by the laws of the United States and of this state, punishable to the same extent as the principal felon.

Ben stopped and sighed in admiration over the charge. He laid the paper down reverently and then underlined every word of the last paragraph.

Sanger got to his feet, throwing his hat down on the chair. He now felt the full force of Ben's malignancy and realized that he himself would be in jeopardy if he underestimated his power.

— You want to prove murder in the lower court but it's not going to be easy. The police themselves testified that of the four we have in custody, three were holding a beam and the fourth an ax. We haven't found the murder weapon, or the man who carried it.

— You have a warrant out for a fifth man, haven't you, Mr. Sanger? said Ben smoothly.

— Yes. Well, it's no secret. There was a hit at him in the *Post* this morning. We are holding a warrant for another clergyman from Worcester. He happens to be from one of the most honored and respected families in the state and we want to go easy for a while. Besides, Worcester is a little hot right now. We don't want to poke around there at the moment.

Ben smiled. — I'm proud and happy to say, sir, that it won't be necessary. We have a witness who happened to be present at the moment that not only can identify the clergyman in question but who saw him discussing the case in most incriminating terms with the Faneuil Hall orator



this Sunday last, thus proving beyond the shadow of a doubt that there was a plan connecting the meeting with the attack and the subsequent murder of Batchelder.

— Give me his name, said Sanger wearily, — and I'll make out a subpoena.

— That won't be necessary, Hallett said. — It's Mr. Queeny here and he'll gladly testify.

Sanger picked up his hat and put it on his head.

— Then you'll take steps to issue a warrant for our Boston clergyman.

— No, Sanger said finally, letting his anger slip. — We've got nothing on him now. If the grand jury hands down a bill on the four, he'll be arrested as an accessory, but we've got to indict the principals first.

— Oh, come now, Sanger, Ben said. — Here we have his sermons. Here's one he gave Sunday last. The Marshal was resisted, there's no doubt of that, and here's evidence of counsel to resist before and after the fact. This man has urged resistance hundreds of times.

— What do you want him arrested for, a felony or a misdemeanor? Resistance to the Marshal is a misdemeanor . . . right?

— Good point . . . good point, Ben said, mollified. — Let's wait a bit and make it a felony.

— Although you have no jurisdiction over murder in the Circuit Court.

— We'll charge treason, Mr. Sanger. You murder, we treason. Twin flowers on a single stem.

— He's sick now, Sanger said. — Perhaps we could get a doctor to certify him as having cholera and throw him in the pesthouse in the meantime.

Watson rose from his torpor, eyes blazing, and rushed into the breach.

— Doctors . . . God-damned doctors are no damn good. They're all traitors. I know damn well the man was killed by a pistol ball. They're saying it was a knife wound just so as to blame my men for it. But we're going to say there wasn't a man with a knife or a blade on him until after Batchelder got it . . . and I've got forty men to swear to it. Fifty men I can get if I want.

— The whole guard, said Sanger.

— That's right, Watson answered, disregarding the irony. — And they weren't drunk neither. Nobody can prove that they were drunk.

— All right, Watson, Ben said. — All right. I guess that's all, Mr. Sanger. Are there any more questions?

— One more, said Sanger, smiling a bit. — What have you got against Parker that you hate him so?

— I don't hate him, Ben said. — I don't hate him personally.

— Strangely enough, I believe you, Sanger said. — I know what's in that head of yours. You used to be one of them, didn't you? Don't deny it, Ben. People haven't got such short memories as you think. I've read Abolitionist speeches by you. They're still around.

Ben flushed and looked anxiously at Nick Queeny. Nick's eyes were fixed on him in wonder.

— When I was a kid I went to a big meeting once. It was in Faneuil Hall. It was to protest the murder of Lovejoy. It was the first time Wendell Phillips ever spoke in the anti-slavery line. He was in the audience, but you were on the platform. You were one of the elect. You read a speech that was written by Dr. Channing. You were Garrison's right-hand man at one time. You speak with the frenzy of an apostate trying to clean your skirts. No wonder, Ben. God pity Parker and company!

Ben got to his feet. He threw back his shoulders like a huge baited animal. His backward thrust sent his chair rolling over onto Watson's toe. But his arms hung at his side and he swung helplessly toward his paper weapons stacked on the desk, almost unconsciously clutching and sliding them as if they were rocks to hurl at his attacker. Finally he got himself under control and began to read aloud, in a wheezy tone, Justice Curtis's charge, trying to shut out with his broad back the triumphant, piercingly keen look of George Sanger.

Sanger sat smiling now, watching the wounded whale in its travail. Watson pushed the chair back under Ben's rump and Ben sat.

— These are my motives, Sanger, Ben stammered breathlessly, — and no other. He began to read again:

If you or I begin to discriminate between one law and another and say, This we shall enforce and this we shall not, we not only violate our oaths but we should destroy the liberties of our country which rest on the great principle that country is governed by laws constitutionally acted and not by men.

This government would cease to be a government if it were to yield obedience to the strongest faction of the place and hour. If forcible resistance to the law be permitted practically to repeal it, the power of the mob would overrule the state and be used against any law or man obnoxious to the interests and passions of the worst or most excited part of the community and the peaceful and the weak would be at the mercy of the violent.

And it becomes all to remember and act accordingly, that forcible

and concerted resistance to any law is civil war, which can make no progress but through bloodshed and can have no termination but the destruction of the government of our country or the ruin of those engaged in such resistance.

— No, Ben, said Sanger. — That's not it. You don't believe that. That's not the apostate's creed. You're a liar, Ben.

— And so are you, Sanger, and false to your oath. And if these indictments are let fall as I am told that they will, if you are made a judge, I'll see that the whole country knows about it.

— I couldn't get the indictments dropped if I wanted to. Even though they are innocent, as I think they are, and the man was killed by the Marshal's drunken guard. You'll get your indictment and your hanging too. You've got, besides the Supreme Court justice's most learned and patriotic charge, fifty witnesses to swear that there wasn't anything sharper than a toothpick used to defend the Courthouse door. . . . You've got the corpse of a sworn deputy to lay in the laps of the jury, with an eight-inch hole in his belly. Now you are going to throw in the name of a man who admits to perjury and who had six fugitives sitting on the platform behind him while he addressed the biggest congregation in Boston . . . a man who wrote the President of the United States and told him he had fugitives hiding in his attic and dared him to come and take them at the peril of his life . . . a man who is introduced at a great public gathering by his best friend as a traitor and infidel and a fanatic. . . . If there is one orthodox minister, one priest, one merchant, one Irishman, or anyone who reads the newspapers of Boston on the grand jury, you'll get your true bill and your hanging . . . and God have mercy on your soul.

The door slammed hard behind District Attorney Sanger.

After a brief silence Ben said, — Well, we got his goat but very little else.

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There comes a time when even the greatest filth withers into dryness and becomes harmless husks, and maggots can be looked on as friends, no worse than the scavenger cows of the Norfolk streets. When the body is backed to its limit into the hole and the senses, no longer stretched behind like frightened sensitive antennae brushing the features of unknown horrors, start weaving forward again, there is an upwardness coming to the pattern of life. The very wetness of water has its joy, and the feel of eatable, crunchable bulk between the teeth and on the tongue gives a deep functional way of marking the passage of time.

Tony woke one morning, the rising heat his clock, and rolled over toward the water bucket. On one of his turns his nose was sharply tickled by a most pungent, acrid and most delicious smell. It was the unfamiliar odor of soap, compounded of clean ashes and lye. It came so strongly upon him, it made him sneeze. He sniffed after it like a hungry hound, and found it coming up through a large crack in the floor that he had not noticed before but which might have just sprung in the heat of July.

In the room below he saw a yellow woman and a black one drawing some rags in and out of a bucket of hot sudsy water. They were both concubines of Mr. Lumpkin, the only wives he had . . . being shunned as he was, because of his unfortunate profession, by the white women of the town. As Tony watched, a young mulatto girl entered the room from a door situated so as to give a view of her back only, and stepped upon a small platform directly under the crack in the floor.

At a gesture from the yellow woman, the girl swept her flimsy dress up over her head and off, standing naked before them. She piled her hair high on her head and stood quietly with her arms raised, holding it like a coil of black ribbon directly beneath Tony's astonished eyes.

Mrs. and Mrs. Lumpkin toted the bucket to the block and began to swab at the girl's body with their soapy cloths. The girl's skin was of a yellowish bronze tint and it began to shine under the water and then the water dried and left it as soft and bland as the shell of a boiled egg when it leaves the saucepan, cupped in a spoon.

Tony reveled at first in the fragrance and ear-tickling slosh of the water but then he began to feel the pull of the girl's nude body. Suddenly, as she stood there so supinely, her weight held on her right leg, her left elbow high in a lovely thrust arching up through her back from her tense round buttock, he thought of a girl he had known and loved before he had started North. It had been a choice at that time, vexing and difficult. She had wanted him to stay and be her husband in the terms of the customary slave marriage, necessarily one of convenience, but he had refused and gone North instead.

At the thought of the choice he made, so bitter and barren, Tony rolled away from the peephole, seeking the concentration to reproach himself and curse all of the steps that had left him in this unhappy plight. Now the hopelessness of his piety finally stood revealed unto him and he invoked the devil in himself, saying that since all who served you prosper, so will I. The devil in him answered promptly enough, telling him that the naked girl below was the same one he had rejected not six months before and urged him to peek again and count the blessings one by one that he had

so foolishly swept aside to end as the helpless dupe of the Mad Parson of Boston and his friends.

Tony rolled back to the space in the floor and looked down at the girl. He was now inflamed and the naked back did look like the back of his beloved. And so did the lift of her breast and the bud of the nipple and the long bending, pliant, yielding neck.

Now the women were scrubbing at the interstices of the body from head to toe, flooding them, soaping them, washing them clean and fragrant, in the ironic preparation for the act that was called unclean in the text of his faith.

After the women had dried the girl in a soft blanket of wool, they brought over two jars of rosewater and began to anoint her. The new fragrance came up to Tony, the devil blessing his nose.

One of them went to a window out of his eye range and motioned for their husband to come up and shortly after Mr. Lumpkin came into the room with a small, jolly, roly-poly man with a sweet, pink face and long floating patriarchal white hair.

The women left and Lumpkin and his customer looked in silence at the girl on the block. Lumpkin said nothing, merely waving his hand in her direction with gracious pride.

—I buy a wench like this once a year, said the little pink man. — Then, around the Fourth of July, I bring her home and introduce her to my wife. I tell her it's to show my independence.

Mr. Lumpkin laughed heartily at this witty sally. Tony squirmed in agony. That was mine, he wanted to shriek, and given willingly where you have to buy it. That is what we have and that is what keeps us from banding together and destroying all of you.

He struggled to his feet, the chains clanking, and began to tear the clothes off him, the ragged shirt and the filthy trousers. He crumpled the shirt into a ball and dipped it into the fetid water. He swayed back and forth on his raw chafed ankles and scrubbed at the crusty filth on his legs. He clawed at his scabs, refreshed by the clean show of blood. Then a great hand seemed to pinch his neck and he fell headlong to the floor, but before the continuing blackness came his eye peered through the crack in the floor and he looked straight into the eyes of the frightened mulatto wench. She was a stranger and not his beloved.

Lumpkin threw the girl her tattered gown and pushed her out of the room with her frightened new master. With a tremendous heave, he managed to throw open the trap door on which Tony had been cast. At first he thought this valuable slave was dead, but when he had ordered a candle

and examined him, he found it was only some kind of stroke and brought up some broth from his own table to feed him with.

In the dark whirlwind of his swoon Tony heard a voice saying, Defend yourself, defend yourself; you have friends in court, lawyers, thousands, do you want us to defend you, to save you?

And he saw the face of the preacher whom he had trusted, because he was innocent and deserved no chastisement for sin . . . not knowing that this prophet maintained that it was precisely the function of the innocent to suffer for the guilty and the good are those who give their lives for others, and that vicarious righteousness is nowhere near as pleasing to God as a sacrificial act even unto the shedding of blood and death.

# THE THIRD ORDEAL

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## OF FEAR

*He hath torn me in his wrath, and persecuted me;  
He hath gnashed upon me with his teeth:  
Mine adversary sharpeneth his eyes upon me.  
They have gaped upon me with their mouth;  
They have smitten me upon the cheek reproachfully:  
They gather themselves together against me.  
God delivereth me to the ungodly,  
And casteth me into the hands of the wicked.  
I was at ease, and he broke me asunder;  
Yea, he hath taken me by the neck, and dashed me to pieces:  
He hath also set me up for his mark  
His archers compass me round about,  
He cleaveth my reins asunder, and doth not spare;  
He poureth out my gall upon the ground.  
Although there is no violence in mine hands,  
And my prayer is pure.*

LYDIA PARKER, for once in her life, put her foot down and made her husband stay off the streets and out of meeting halls to rest and bring down his pulsebeat. It was a trial to her to have him home all day, because he either sat in the kitchen and teased her and interfered with her work or else went up to his study and wrote prodigiously long letters against the doctor's orders.

There were three women in the household. Besides his wife, there was a woman to do the hard tasks that Lydia couldn't, and Miss Hannah Stevenson. Miss Stevenson was Parker's secretary. She was a prim blue-stocking, a few years older than Parker, and she adored him. She liked to work beside him and keep up with his fast flow of thought and show him that she was just as good as a man in the intellectual arena. But Parker cared very little about this, other than conceding her great service, and she knew she would never be just as good as the woman in the kitchen.



Lydia used to get him to go next door on the days she was baking bread to see Wendell Phillips. But Phillips's house was to Parker the saddest one in Boston. Ann Phillips had been an invalid since their marriage and lived out a vegetative life in the second-floor back and front chambers. She saw no one and was always crying about her headaches and her invalidism. While Parker was there, she would have Wendell on the run every minute making tea and fetching this and that. He would leave Parker in the midst of a dissertation to run down to the market for the best strawberries before they were all pawed over, asking Parker to wait until he got back.

Parker never waited. There were no books there. The first floor had a perpetual air of neglect. There were no visual pleasures to tempt the eye of a caller. Parker's house was just the opposite. It was open to all comers. The table was always being set. The beds were always being aired and changed for guests, and books tumbled down at every incautious step. Things were always a little out of repair and the absent-minded master of the house would leave a hammer, some putty and tacks beside a cracked window for days on end until the putty became as dry and hard as cement, when Lydia was at last able to drive him to fix it.

Parker had sense enough not to be sorry for Wendell. Ann Phillips never interfered with her husband's beliefs or the lengths he went to espouse them. She lay in her bed like a sleeping beauty. She was blonde, big-eyed, and long-lashed, with the body of a Juno which never wasted or grew old and which clung to her nightgown with a firmness which seemed to say — This is my purpose, let the world go by.

His visits to his friend were not enough to take up the slack of his mind. He found that when he slept, he did not rise refreshed. One day he was called upon by some people who did not believe in God, to say a few words over a departed one for decency's sake. He knew he had to go, because there was no one else they could ask. He was their idea of a minimum of a minister and he had to give them a maximum of comfort because they were bereft, unlike the others, of the comforting faith in immortality. There he prayed, — Oh God, though they have denied thy existence, yet they have obeyed thy law.

And through it all he was preoccupied with a problem that ate up his hours in a great circle, returning each morning with as great a hunger as the day before. He had a note about it on his desk hidden under some books so Lydia couldn't see it:

What am I to do if I am sent to jail. 1. Write one sermon a week and have it read at the Music Hall and printed the next morning.

Who can read it? 2. Write memoirs of Life, etc. 3. Write volume one of Historical Development of Religion, i.e. the Metaphysics of Religion. 4. Learn Russian.

His thoughts often returned to the second point. Who could he get to read the sermons or even give one of his own if he were to be unable to write one? Since he had been dropped from the Unitarian Fellowship, there was only one preacher who would exchange with him. He set down his name:

James Freeman Clarke

He paused and felt one of his besetting sorrows: that he had no young men rising up to take ground with him. Still there was one and he wrote down his name:

Thomas Wentworth Higginson of Worcester

Now he had to turn to the outcasts, but they were fitting teachers to stand at the desk of an outcast church.

Wendell Phillips of Boston

W. L. Garrison of Boston

Ralph Waldo Emerson of Concord

It was a pitiful list. Pitiful because, after his almost twenty years as a minister, these five men were all he dared trust in his place, or what was worse, even dared to ask. He looked at the list again and struck out two of the names. Thomas Wentworth Higginson — out. Wendell Phillips — out. They would be doing their preaching on a rock pile at Charlestown remembering their brother as bound with him.

He spent most of his time trying to winnow down from thirteen thousand books and five hundred pamphlets a small pack that he could take into the penitentiary with him. It was quite a task.

He had skimmed off thousands in the boiling process and on this certain morning was opening his mail and thinking that it might be possible to have shelves put up in his cell. He had, with his overrich imagination, identified his proposed domicile in Charlestown with a small, high-ceilinged, whitewashed room, very sparse and clean, with a tiny barred window to admit faint starlight, where he could sit in blessed solitude and contemplation, like Luther, and finish his book.

This book was to be the record and point-by-point rejection of all the superstitions and phobias that had crept into every religion since the beginning of time, presented so as to guide people into the true and simple ac-

ceptance of an infinite God, forever loving and without vengeance. He had spent most of his free time and money collecting books of reference, and now it was maddening that he was to have the time and solitude to write it in but couldn't take the books.

Mrs. Parker heard someone at the door and she went to open it. A man with two children stood there. One of the children was a boy of eight named Lloyd after Garrison and the other was a beautiful, sunny-faced girl of five named Abigail. The man, who was a neighbor, asked to see Mr. Parker, and Lydia, because of the children, let him go upstairs, knowing their presence would offset any excitement their father would bring to bear on her invalid.

Parker was overjoyed to see them of course, and watched with delight the boy's beeline for a secretary in the corner where he kept a rich store of carts, toys, horses, miniature farmhouses and dozens of little carved bears.

But his father, eschewing the futile command, pulled the boy back by his collar saying that there was no time for play, that they had to get back to the house. The man laughed at Parker's crestfallen look, deeper than the boy's, and stated his business.

He was a trustee and shareholder of the Music Hall and had begun to suspect that the Curtises were up to some skulduggery to get Parker out of there by canceling the lease of the Twenty-Eighth Congregational Society.

—It's possible, it's possible, said Parker unhappily. — Sit down a bit and tell me the whole story.

— It seems there's a meeting of the trustees today. I only heard about it by luck. They're generally only held to hear the financial report and Mr. Curtis sent the report out this year as a letter. This was about a week ago, and most of us figured it wasn't necessary to go to the meeting.

— Is it customary to send out the financial report? Parker asked.

— No. They've never done it before. I was quite upset about it, because . . . well . . . He stopped a little embarrassed.

— You know they want to pitch me out of there, Parker said.

— Yes, yes, the man said. — They tried it last year, and we defeated them with a block of a hundred votes held by a party now resident in Europe who had signed them over to us as proxies in your favor.

— I know the party, Parker said. — Doesn't he like me any more? Been reading the papers I suppose.

— No, it's not that. As far as I know his feelings are the same, but when I went to see his agent yesterday, acting on this vague suspicion I have, the

agent said he had given them over to a nephew of the President. Do you make anything sinister out of that?

— Why, yes. I don't imagine any relative of Franklin Pierce would relish my presence in that pulpit if he could prevent it.

— You know, that occurred to me after I left but at the time it didn't mean anything. As a matter of fact, I thought he was referring to the President of the College.

Parker smiled wryly.

— Unfortunately the meeting is in a half hour. If any of your friends hold shares, get them to go down at once and we might be able to hold the fort. I'm awfully sorry. I thought I'd better tell you.

Parker finally gave in to a desire that had been plaguing him and laid a light hand on the curly blond head of the little girl. — I'm afraid it's too late for me to do anything now, and I doubt that I would if I had the time. I'll miss the Music Hall but there are other places.

— I might be able to arrange for you to get the Masonic Temple. I'm going through the chairs now and I'm pretty important.

— We asked for the Temple before and it was refused us. They said it would injure the reputation of the house. I sometimes think I would be of more service to folks if I didn't have a church. I'd like to preach in the streets sometime. Most of the listeners in the Music Hall don't need me any more. I'd like to talk to the people who never get into any church.

— Well, good-by, sir. I'll do my best for you.

— Thank you. But don't make yourself any enemies over it or do anything to hurt your trade. You've probably heard I might be over at the State Penitentiary before long.

— As a chaplain?

— As a guest.

The man turned sadly away taking his children by the hand. The boy pulled away. The father made a grab for him longing to give him a cuff, but was restrained by Parker's look of love bent on the children.

— Go along with your father now, Lloyd. But I want you and Abby to come back sometime soon and we'll take everything out of the old secretary and put them all over the floor.

— When? said the boy. — When can we come?

— This afternoon if your mother will let you. This afternoon at four.

The boy looked up at his father. — Yes, you can come. You and Abby can come.

The children left happily and Parker shouted after them, — And bring every chum you can find along with you.

He went back to his desk, took up a pencil and paper and began to write down the names of stockholders he knew who could be immediately informed and sent to the meeting. But after he had scribbled down four or five names, a great lassitude overtook him and he laid his head on the cool wood of the desk. . . . No, no more. I shall fight this no more. I'm tired and sick of these plots and counterplots. He tore the paper into tiny pieces. After a moment or two he put on his slouch hat and took up his stick and walked down the stairs to the front door. As he opened it he heard Lydia call frantically.

— Where are you going, dear?

— I'm going over to Charlestown to pick out my room, he said in such tired and world-weary tones that she stood in amazement and did nothing to restrain his going.

\* \* \* \* \*

When Mr. Butler, Parker's friend, got to the Music Hall for the meeting, he found, as he had feared, only twelve people in attendance. He sat down at the huge directors' table as Charles Curtis ran quickly through the financial report. Mr. Butler kept looking at the door, hoping that Parker would be able to send reinforcements. Curtis seemed to know what he was up to, because after making some offhand remark about being pressed for time and anxious to wind up the proceedings, he passed the gavel over to his son-in-law, William Greenough, and prepared to address the gathering.

Butler looked around the table at the others. They sat impassively, wholly devoid of interest in the proceedings. There was nothing to arouse them at this meeting. Attendance was a civic gesture, the whole thing was as cut-and-dried as the meetings of the Hospital Committee, the Female Orphan Asylum, the Trustees of the Blind School and all the other worthy Boston institutions that made such public office a private bore.

He searched their bland faces for some key to an affinity with Parker and what he stood for. In all but one face he found nothing. This was the seamed and craggy face of Zenas Mudge, a huge, awkward, long-nosed, retired farmer from out Saugus way. Where the rest were barbered, he was rough. His lapels and shirtfront were stained with snuff and huge tufts of yellow-stained hair jetted out of his cavalike nostrils.

He might be for Parker, Butler thought, and then smiled at himself at the insult to his clerical friend. Why? Because he is dirty and unkempt, foul-smelling and rude in speech and gesture? There was an unpleasant underlying truth in this. But he did not probe it deeper but put down the

sense of affinity to the point that Zenas's appearance showed that he did not conform.

Mr. Charles P. Curtis, after offering regrets that his other son-in-law, Supreme Court Justice Benjamin Curtis, could not be there because of the pressure of official business, launched into a quiet-toned but florid description of the manner and motives behind the building and operating of the Music Hall. He told of how he and Jonas Chickering, the great piano manufacturer, had decided that Boston needed a great and beautiful edifice in which to make a home for the musical concerts and other cultural delights that made Boston the modern Athens and the peer of the world in the realm of music and art, having, as it were, all the visual beauty of Paris without its degrading immorality and all the musical zeal and striving of Berlin without its vain, unrepublican pomp and militarism.

— But unfortunately by an unwise decision to lease the Hall for Sunday morning services to the Twenty-Eighth Congregational Society, the reputation of the Music Hall as a place where cultured Bostonians can go to bask in the peace and exultation induced by the healing strains of noble and lofty music has been replaced in the public eye by the feeling that the Music Hall has become a muddy fountain for the dissemination of sentiments which are, to say the least, subversive of law and order. He therefore moved that the lease of the society in question be canceled forthwith.

Chairman Greenough, *pro tem*, opened the discussion and the question was asked if it was not true that a considerable proportion of the income derived from the Hall came from the Congregational Society.

This question, being put to Mr. Curtis, was answered by that gentleman with the remark that although the Society paid . . . and promptly, he might add in all fairness . . . twenty-five hundred dollars a year not including extras, there had been times when people who desired to give concerts had been turned away due to the pre-occupation of this Society, and it was doubtless true that many prospective rentees were discouraged from applying by the unsavory reputation the Hall was beginning to acquire.

Someone asked if it were not true that to cancel the lease might give the public the effect that the trustees were against one form or another of religion, and draw inferences very unfortunate at a time when the poorer classes needed the comfort and control of righteousness more than at any other in our nation's history?

— Certainly not, said Charles somewhat heatedly. — This edifice was built for the sole purpose of containing and improving the musical and artistic life of Boston. As for the religious matter, it is a well-known opin-



ion in Boston, an opinion held by clergymen themselves, that the leader of this Society is an avowed infidel.

Curtis stopped for a moment, waiting for someone to second the motion, but there was utter silence. He searched their faces for approval. There was none. He began again.

— It is bitterly embarrassing for me, gentlemen, to have to bring personalities into this discussion, but I know you will forgive me if I make some forthright remarks about Mr. Theodore Parker, the so-called minister of this congregation. Although knowing that my family contributed heavily to the financing of the Music Hall, he persistently and shamelessly attacks them from its pulpit. He uses it for the slander and denunciation of myself, my kinsmen and my friends. He stands there, Sunday after Sunday, in front of what is virtually an unwashed rabble, and carries on a reign of terror from the pulpit of the largest edifice in Boston. He stands there like a Robespierre, denouncing and sending to the guillotine whole families of the best citizens of Boston.

He stopped and bowed his gray hairs in sorrow. — Only two Sundays ago, he called my brother a murderer.

He sat down. Nobody had seconded the motion. He took the gavel away from Greenough. Now Greenough, gavel-less, said faintly, — I second the motion.

— Any further discussion? said Charles.

The clock ticked, the moments dragged, no one spoke. Inside Butler's breast a storm was raging. Should he speak up in Mr. Parker's defense? He had just bought a wool brokerage and needed influential friends. In fact, he had bought a share or two of the Music Hall stock just to be able to sit around this table with these people and share in their deliberations and maybe catch a few crumbs. Then he decided. He would speak for Mr. Parker if someone else would lead the parade. But not alone. He knew Mr. Parker would understand. Mr. Parker loved his two children almost as much as he did. Mr. Parker wouldn't want their futures jeopardized.

Just as Charles's gavel was about to fall and call for the vote, Zenas Mudge spoke up as though he, in his cussedness, had been waiting for the most awkward moment. He stood up at the table and fixed his eyes off somewhere, put his thumbs in his vest, took his regular town meeting stance, and began to talk. At first, Butler was greatly encouraged.

— In regards to religion, Zenas said, — I don't holt with downin' a man because of that. Like President Jefferson said . . . I don't care if a man believes in one God or in twenty so long as he doesn't put his hand in my pocket.



Butler perked up at this and began to lay out his own words in his mind.

— But this man Parker is pickin' my pocket. He's mainly back of this riot jest happened and that's going ter cost the city a pile a money 'fore we're through. An' he's always takin' a cut at the merchants, callin' them thieves and rum sellers, says we git more rent out of a broken-down tene-ment on Ann Street than a house on Tremont. Sez we charge too much interest, cheat the Custom House with false invoices and all that. Got so I don't dare to collect my own rent . . . get rocked outa my own property. He's to blame. But we might as well kept shet. There ain't nothin' we kin do about it. Somebody'll throw in that block of a hundred shares fer him and it'll be all over but the shoutin'.

— I wouldn't be too unhappy about that, Mr. Mudge, said Curtis. — You give up too easily. Mr. Greenough is holding a proxy for the hundred votes in question right now, and he's definitely going to cast them in favor of the motion.

Butler quickly revised the speech he had ready, but he had to say something so he asked timidly. — Is there a letter this year from the gentleman in Europe regarding his sentiments on the voting? I recall last year he expressed his approval of Mr. Parker's work and especially directed his vote.

Charles bent his head to whisper to Greenough. He straightened up and said, — No, sir. There is no letter this year.

— May I ask, sir, said Butler gamely, looking for help around the table, — if there is any evidence to the effect that Mr. Covell wished to change his vote?

— No evidence. No evidence, Mr. Butler. We simply asked the agent for the proxy and he gave it to us gladly without restrictions of any kind.

There was a kind of moving and shifting now around the table. A few whispers and nodding of heads. Butler looked at Zenas Mudge. Mudge was bearing down on him with his gimlet eyes. It was a long, searching look, full of something Butler could not quite define. I'm a goner, he thought. I've cooked my goose.

— Then we'll take the vote on the motion, said Charles. He passed pieces of paper to the trustees and they wrote on them the number of shares that they controlled and their feeling on the motion. Greenough was appointed teller and Charles watched him confidently over his shoulder. Greenough began to look disturbed and did some hasty scribbling on his tally sheet. He began to whisper to Charles. Charles looked around at the table again. He was looking rather distraught.

— Gentlemen, he said. — Did everyone understand the motion? We

were to vote Yes, to cancel the lease and No, to keep it. Did anyone think it was the other way around?

No one did. Or at least no one said so. Greenough passed a certain ballot toward Charles. Charles brought it discreetly to Zenas Mudge, asking him to confirm his ballot. Zenas shook his head testily.

Charles went back to his chair and stood a moment staring again at the tally sheet. He looked a little pale. — I wish to announce, he said, — the results of the voting. For the motion to cancel the lease of the Congregational Society, two hundred and sixty-one. Against the motion there are two hundred and ninety-one votes. The motion is therefore lost.

There had been seven at the table supporting Parker and they looked for each other with happiness deep in their eyes. One of them made a motion. — I move, he said firmly, — that this body go on record as excluding, from now on, all political, personal and sectarian considerations.

Zenas had his hand up first on this. Curtis had to poke his son-in-law to get his hand up and make it unanimous.

— Move to adjourn, someone said, but Charles held up his hand.

— Gentlemen, I want to take this moment to announce my resignation as chairman of this board and as a member thereof. To continue in the face of the sentiments just expressed in the voting would be inconsistent with my loyalty to my family and to my own personal principles. I shall write a letter to the newspapers setting forth my reasons in greater detail.

Bill Butler, feeling high, spoke out . . . quick as a flash and more from instinct than discretion . . . some words he regretted slightly afterwards:

— Move to accept.

It was seconded and passed almost unanimously. Greenough abstained this time and Charles disqualified himself.

The meeting broke up in a happy mood. As Butler went to leave the room he saw old Zenas bent over as if in pain, his face covered with his gnarled hand. — Are you all right, sir? he asked.

Zenas raised his face; his red-rimmed eyes were wet and his face cut into deep grooves of laughter.

— Did you see Charlie's face when he read the count? he said. — He looked as if the building fell in on him. Serves him right, the consarned, skulkin', cheatin' lawyer. He knowed Penn Covell meant them votes fer Parker. But Charlie thought he could steal 'em and switch 'em, but he was fooled 'cause I threw my hundred in fer Parker jes' fer spite.

— Why didn't you speak up for Mr. Parker before the vote? We might have got a bigger majority.

— Speak up fer him? Zenas said angrily. — Got no use fer him. If I had

him here I'd knock his block off right now. But I figure the government's goin' to take care of them fellas. He'll be in a bigger buildin' than this 'fore long. But the way Charlie did it stuck in my craw . . . made me put my back up. Fair's fair, young fella, and you can't stab no one in the back, not even a miserable critter like Parker.

\* \* \* \* \*

When Parker's hack got to the prison gate, there was a paddy wagon waiting for admittance through the main trap. He could see a row of prisoners sitting on a long bench inside. There was only one guard with them and he wondered how the man, who was old and slight, could control this number on the long ride from Salem. He had been told where they came from by the hack driver as he paid him off. Hack drivers always seemed to know these things although there was nothing on the long black-painted cart to show its point of origin.

Then he saw one of them raise his hand to scratch his nose and he saw that each was chained to the other. He looked away quickly, embarrassed for the man, feeling as if he had seen him in the secret parts of his body.

This taste of observing human shame laid foul on his tongue and he began to regret his visit. What would be the use of parading through the institution if he had to avert his eyes from the men inside, whom he imagined would be standing spread-eagled, like gloomy bears against the sad inner iron of the grilled doors of the cells? They would look at him with hatred, seeing him strolling casually before them in freedom . . . his presence alone a pompous sermon and his conversation with the guide construed as specious moralizing.

But he forced himself to go inside, telling himself that if he saw such a look and such a thought in the silently rebuking eyes of an inmate, he would go to him and say, You are more honest than I because you struck out against the state, knowing that it is a sham based on force instead of love. It is more honest inside of this place, my friend. . . .

He went into the warden's office and introduced himself, telling the warden that he would like to go through. The warden rang a bell on his desk for a deputy, telling Parker that he was always glad of a visit from the clergy. — These customers in here need all of that they can get, said the warden. — I'd like to have one of you gentlemen walk through every day. Say a few words to them if you like. We have rules against talking to the prisoners but it won't do them any harm to get a little dose of goodness and piety for a change. Appreciate your visit, sir. Appreciate it a lot.

Parker felt sick with the old command to moralize laid on him again.

The falsity of his position was hard to bear. He looked at the warden. The man had a kind, unbrutal face. Perhaps, he thought, he is one of the new race of jailers that we have talked about so much in our meetings on prison reform. Perhaps he believes like us that these places are not to punish but to change their inhabitants, and, like us, does not see the deeper wrong that to change is to punish, for we judge men not of themselves but for their likeness to us.

The deputy did not come at once and Parker's discomfort grew more acute. He must throw off this taint of moralizing. Should he tell the man point-blank perhaps what he already knew, that his visitor stood in peril of a sentence to this place? No. That would be too coarse, too flaunting and embarrassing for the warden.

— How many men have you got here, Warden? he said, breaking the silence.

— Four hundred and ninety-one, answered the warden.

— All ages I suppose?

— Oh yes, the warden said. — But mostly young men. We have one hundred and eleven from twenty-five to thirty years. Then it drops to ninety-two between thirty and forty and only forty-one of them are from forty to fifty. And many of them have been here since they were fifteen or sixteen years old. We have five between sixty and seventy, so you see it's not too unhealthy here. But there are too many, sir. Too many. You gentlemen of the cloth have a great responsibility laid on you. You must spend more time among the poor. They're the ones crowding our jails. They're the ones who need the churches and the prayers.

— I wouldn't say that, Warden, Parker said. He rose from his chair, glad of this chance of throwing off the unwelcome mantle of hypocrisy. — I wonder at the fewness of crimes, not their multitude. If there were not a greater proportion of goodness and piety in the poor than in the rich, their crimes would be tenfold. They have the natural wants of man. They see food, clothing, comfort, luxury before them and shut away from them by a mere pane of glass in a shop window. They are indignant at being shut into the mews and kennels of the land. Should we teach them that it is the will of God that they toil forever, stinting and sparing only to starve more slowly to death? They see others doing nothing. Rich men's daughters flashing like a rainbow in the streets while their own have barely a rag to hide their shame . . . Baskets of rare wine, not brought to the sick but for the pleasures of the strong . . . What wonder is it that they feel a desire for revenge and break into houses and stores and set barns on fire?

The warden stared at him in amazement. In a strained voice he said,

— Are you sympathizing with the wicked, sir, not with the industrious and good? Do you think crimes come natural to man?

— It is the natural effect of misery, sir, said Parker, smiling and purged.  
— It is the voice of our brother's blood crying to God against us all. Should we wonder if it cries in robbery and fire?

The warden turned his chair from the desk looking Parker fully in the eye. Parker felt his old sense of elation coming on him again. He felt a pleasant assurance that if he came here, he wouldn't be punished, that he wouldn't be changed. He knew the fear he had was that: the fear of being changed, of being afraid and remorseful under the threat of immersion in the gray walls. He spoke on almost happily.

— The nation sets the poor an example of fraud by making them pay highest in all taxes, of theft by levying the national revenue on persons instead of property. Our Army and Navy set them the lesson of violence to complete their schooling as when a few years ago, we robbed the people of Mexico, stealing, burning and murdering for the lust of power and gold. Our industrialists deal with the poor as tools, not men. Is it any wonder that they feel wronged?

His speech was interrupted by the entrance of the deputy. The warden paused for a moment, wondering if it would be possible to deny this fire-brand the courtesy of a visit. If he had been a seedy country clergyman, he could have dismissed him by turning his back. But this man was bursting with an assurance amounting to insolence.

— What did you say your name was, Reverend? said the warden again.

— Theodore Parker, Warden.

— Oh, *that* reverend, said the warden, as if it explained everything.  
— Take the gentleman through, Deputy, but make no exceptions to the rule on conversation with the prisoners.

— Thank you, Warden, said Parker, seizing his hand and shaking it with a bright smile. — You are most kind.

The warden turned back to his work with a half-suppressed shudder as Parker and the deputy went to stand before the huge doors of the guard-room, awaiting admission.

Aside from a momentary flash of fear as a whole series of doors slammed shut and were bolted behind him, Parker felt no whit of the disquiet he had dreaded at standing in the midst of caged humans. The great wings of the prison spoked out from the lofty rotunda where the two men stood. The guard threw open a barred door, suggesting that they begin by visiting the west wing, which was empty now because the men had gone to the kitchen for their midday meal.

The cell block was like a huge decked ship with inside cones of passages and cabins shrunk away from the hull. Stairways unfolded upward in V shapes leading to the five tiers in the outer walls. There were massive windows, higher and clearer than any in the cathedral, their wide panes minimizing the bars overlacing them.

But the cells . . . Ah, here was no monk's cloistered retreat. They were primitive caves lined with seamed blocks of granite but looking like small square holes quarried out of the living rock.

Parker stepped gingerly into one of them. He could stand in the middle and touch the roof and both sides. The door was not a great gridiron for the languishing prisoner to stretch on. It was a narrow grate set stingily in a two-foot notch, head-high for a small man.

He could see without asking that the only light within came from the daylight in the windows on the outer walls. No need to ask if candles were allowed. No need to ask if there could be a table and a shelf for some books. There was barely enough room for a man to lay his body down on the bare boards just above the floor. In the far corner was a rusty can stinking of night soil and urine.

— Couldn't swing a cat in there, said the guard. — We'd better git along now. The men will be coming back.

— Do they have to stay all day in their cells? Parker said.

— They eat in there, said the guard. — They get their grub at the kitchen and then come back here to eat.

— No common meals, Parker said, — no breaking of bread together?

— Oh no, sir. We don't keep them in here all day. Now if you come with me, I'll show you the shops where they work. They make rope and do carpentering and do plumbing even. Oh, some of them are very clever, very clever at wasting time away, sir. You've got to hand it to them, bad as they are.

They walked across the bare gravel of the prison yard to a row of brick buildings. Inside some men were working steadily, not much differently from men Parker had seen in factories around Boston. Certainly they did not have to work as hard and were without the frenzy of responsibility for feeding themselves and their families and keeping a roof over their heads. Even their hours were shorter. They did not go to labor in the false dawn of artificial light and continue into the fraudulent gleam of the evening lamps. Here was no sixteen-hour day. The cells were damp, fox-holes really, but they were supervised and clean for health's sake and their meals were wholesome.

What then . . . what then was so bad, so awful here? He had been



into the stews of Ann Street in the midst of a cholera epidemic just past. He saw filthy yards flooded with tidewater to the depth of two feet and men sailing around their cellars in tubs after their winter wood. And two-story houses with forty occupants, sleeping eleven in a room and eight in a bed, father, grandfather, mother, daughter, son, baby and boarders under a single blanket. He saw food, begged by miserable dirty children, brought in discarded fruit baskets and thrown and devoured on a pair of planks laid on barrels. He saw these planks laid on stools for a doctor to get to his patient over the water on the floor, and the body of a dead infant floating around in its coffin. He had stepped gingerly through the scum left by a cluster of eight broken-down privies at the base of Fort Hill and had crept into the miserable cellars three tiers deep. He had stood in the first, used as a bar and family common room, the second, with six beds in it, all occupied, and the third, a six-foot cell with its only air admitted through a narrow door and rented out, with meals, for thirty-six cents a week.

He looked at a man pedaling the treadle of a lathe. Was that he? No. That man's face was not unhappy, but it had an undeveloped, clownish, ignorant look like that he had seen on the faces of young people in a Shaker settlement he had once been to. He walked further in the shops, searching now, boldly and openly, for his brother in confinement. They all looked the same. They were all passive-looking. Most of them, although pale, were fairly plump about the face. Most of them, he noted sadly, had good heads of hair.

— Why don't they talk? Don't they want to?

— Strictest rule we have, sir. If they talk, we take all their privileges away and lock 'em up in solitary. There's nothing to talk about. Everybody does the same thing. What have they got to say . . . that's honest, I mean . . . to the other feller?

— Oh, they must read, have visitors, homes somewhere and families. All humans communicate. That's what lifts us from the animal ranks.

— They're only allowed visitors once a month. And as to reading . . . The deputy laughed. — We have them working in all the daylight hours, sir, or eating. We don't let them have no light in their cell, sir. Might make a fire. Accidental . . . or deliberate. We've got men put in here for lightin' fires. The deputy laughed again. — We take away their matches to make them good little boys.

Parker pushed upon an unbarred door and stood in the yard, blinking in the light.



— Why can't they talk? he said suddenly. — There must be more than that. That's a terrible thing.

— Well, sir, said the deputy, on the defensive, — we used to let them, years ago. But then it was forbidden . . . because . . . I remember the order now . . . because unfaithful persons have held improper communion with them.

Of course, Parker thought, certain men have told them to escape. Certain men have told them if they were innocent in their hearts and in the sight of God, they had a right to seek their freedom. They had a right to burst free and make communion with their fellow men even if it meant the sacrifice of a human life, the life or lives that sought to keep them under restraint.

Parker looked sharply up at the deputy. He was also a kind, gentle-voiced man with soft brown eyes. Parker felt the thrust of his own truth within him, saying: That is your position, that is your higher law . . . you may attack to the death any who imprison or enslave you against your will.

— Take me to the dungeons, he said. — You must have dungeons here.

— Oh, no, said the deputy. — We have no dungeons. That's what people think, but they're wrong. Everything is above ground. You've seen it all.

— Where do you put the men who talk, who are unfaithful and try to establish improper communion?

The deputy hesitated. — I don't know if the Warden would want me to . . . he said. — It's kind of restricted up there.

— You say there are no dungeons, Parker persisted. — You say you have nothing to hide. Let me see these disciplinary cells. You're telling the truth, aren't you, when you say they are like all the others?

The deputy looked at him a moment and then began to walk across the yard. They entered a cell wing and began to climb the V stairs to the high fifth tier. They walked down the overspreading platform, their footfalls echoing in the stillness.

Finally the deputy stopped at the last cell in the farthest corner. It was remote and insulated from all other human life, a hole in a high cliff far above all human habitation. A hole for a bird of prey . . . Parker could think of a foul nest within and a few dirty bones strewn on the floor. Here lived the man in his own image. The man who communicated with his fellows and made them unfaithful. The deputy motioned for him to come closer and stand before the cell. Parker could see, in the dim slanted light that got past the thickness of the door slit, a man

lying asleep on some boards and old blankets. A dirty tin plate was on the floor beside him and the slop pail was redolent in the air.

The man woke suddenly and looked at him, shielding his eyes. He stretched and got up. For some inexplicable reason, Parker took off his hat.

— Hello skinhead, said the man, coarsely rubbing his hand over his own baldness. He blinked once or twice, laid his hands briefly on the bars and then sunk back on his bed, rolling over and shutting out them and the light.

There he was. Parker knew now there was the fear he would have to fear. Not the chains and restraint or even the toil and deprivation of genteel company and intellectual pursuits. Nothing the state put on him had he to fear. Nothing but the clawing thrust of the tiger within him. For when and if it stopped being selfless and ethically controlled, it would strike out with a beastlike passion against all restraint, even that imposed by the noble custodians of an ideal world. He would be a lion on the streets of heaven, a tiger in Utopia, a taloned eagle in Elysium if he could not communicate and lose himself in doing for and communing with others.

He turned to the deputy and said, — And now I think I shall end my visit with a trip to the gallows.

\* \* \* \*

Lydia opened the door when Parker got back to the house and drew him into the parlor and closed the door.

— There's a man up there. He insisted on seeing you. I had to let him in.

— That's all right, Bearsie, he said kissing her.

— I don't think you should see him, Theodore. He's some kind of an evangelist and he'll pray over you and upset you. Why don't you step over to Wendell's . . . I saw him fixing some tea in the kitchen . . . and let me get rid of the man upstairs?

— I'll see him. I think I need something stronger than Wendell's tea at the moment.

He gave her a little hug and started slowly up the long stairs. He could picture who would be waiting for him. Some roughly dressed self-taught rural exhorter in cowhide boots who would call down fiery and ungrammatical curses upon him. Sometimes he met with these men pleasurably because they stimulated his thoughts and made him see the defects and cruelty of the old religion, but today he dreaded it a little. His back was already flayed.

He was surprised to see a tall, handsome, impeccably dressed young

gentleman in soft-napped broadcloth excellently cut and the crispest and whitest of linen. He murmured a greeting as the man introduced himself, shook hands quickly and felt the man's fear betrayed by a sweaty palm. He knew that his visitor was not a casual byway parson but a promising young squire, sent to win knighthood at the round table of the highest and best orthodoxy by confronting the dragon of the place.

— Will you kneel, please? said the young man. — I have come to help you.

— I'd rather sit here at the desk if you don't mind, Parker said.

The man looked quite shocked at this statement and clasped his hands in front of his chest with so much agitation that Parker thought he was going to seize him and throw him to the floor like Jacob wrestling with the angel.

But then he knelt and began praying. He started in a conventional vein, following the traditional paths laid out for the rebuking of the penitent. His diction was excellent, his voice full and loud. Parker was glad he had left the door to the study open. It might provide some amusement for the women downstairs.

— O God, prayed the man, — though our iniquities testify against us, forgive us, for our backslidings are many, we have sinned against Thee. Behold I am vile. What shall I answer Thee? I will lay my hand upon my mouth.

Parker sat with one elbow on the desk and his head lightly resting on his hand. His eyes were open. He was peeking. He looked longingly at the thick black hair that rose in a bold vigorous wave of his savior's scalp and then began to search hopefully for signs of baldness at the crown and temples of this hirsute giant.

The supplicant felt his gaze and looked angrily up at him. Parker looked quickly up at the ceiling with a guilty start.

— O God, said the man in instant rebuke, — O my God, we know there are seven things Thou hatest: haughty eyes, a lying tongue, and hands that shed innocent blood. A heart that deviseth wicked imaginations, feet that be swift in running to mischief; a false witness that uttereth lies, and he that soweth discord among brethren. Regard this man, O God; this man is no common sinner. He is dragging hundreds, thousands, verily hundreds of thousands down into the pit with him, that strait, dark and foul-smelling prison, the abode of demons and lost souls, where he will cause them to lie in a never-ending storm of darkness, dark flames and the dark smoke of brimstone amid which the bodies are heaped upon one another without even a glimpse of your blessed air . . .

Parker, glancing sidelong again in boredom and irritation, saw a crumpled bit of cloth lying on the floor. It was a little wisp dropped by the child Abigail on her visit. It was pale blue, and it rested tender and defenseless on the floor; and Parker thought of the child herself lying there and listening to this monstrous idea of a God of hatred and destruction, and then lying awake in her tousled bed at night facing the self-invoked specter in her room with wide eyes full of terror . . . cowering before the awful hand of a bearded giant, capricious, changeable and forever wrathful, paving his wide hell with the skulls of unbaptized infants, the bones of babies not a span long, while her mother and father were racked above that fiery floor. He thought of her brother Lloyd with his wide, questioning and then believing eyes, listening in fascination and then fearing and crouching down and skulking about the streets like a rat afraid of daylight, learning to fear his instincts, emasculating his intellect and affections, bitterly ashamed of the change and growth of his young body and his speculative faculty of spirit, of every blossom from a natural bud of life.

His fingers started to go tracking for a pencil and paper and he covertly began to make some rough notes in his weird handwriting.

The young squire kneeling on the floor began to feel the spirit, and his voice got louder and higher-pitched. He had cast off for good the plural supplication of the opening and came into the broad highway of soul-satisfying and stimulating denunciation.

— This miserable sinner, O God, is teaching the ignorant, innocent and beguiled that there is no fallen angel, no Lucifer, no devil with his immense power and evil from whose wicked snare only you, O God, can rescue us.

— This worm of the earth, O God, denies our human depravity that came from our wicked mother Eve and passed to Adam, cowering forever in his nakedness and lost innocence.

— He even denies your sacred wrath, O God the Father, and fears it not and says you bear no anger against the sinful, the slothful and wicked.

— He turns his back even on the gates of hell as if they did not exist and is insensible to the stench and agony of unregenerate souls.

— O God, he denies that you are one with the Son and the Holy Ghost. That you are eternally the Father, eternally the Son and eternally the Holy Ghost who washes away our sins. He denies your miracles, the Virgin Birth of the blessed Christ Child, that the death on the Cross taketh away the sins of the world. The resurrection of your Son, who died for all of us, this man denieth.

— Thus O God, he lies swinishly in the deepest of all mortal sins on this earth, he prevents men and women, O God, from gaining eternal salvation by these beliefs. He speaks against them, seeking to destroy them, and thus condemns his followers to perish everlastingly.

The intercessor looked up to see how the sinner was taking it and was amazed to see him writing with pencil and paper.

— O Lord, send confusion and distraction into his study this afternoon and prevent him from finishing his wicked labors. O Lord, when he attempts to desecrate Thy holy day by speaking to the people, meet him there, Lord, and confound him, so that he will not be able to speak.

Parker was trying his best to ease through the scene, knowing that he owed tolerance to this fervor as others did to his, and hoping that the maledictions were coming from a selfish heart. The man's face seemed to bear this out. His eyes were shut and his deliberate shaping of the words slowed their urgency and sapped them of their wrath.

Parker dropped his eyes to the praying hands. There was no unction there. The long, red bony fingers were not set in the woof of contemplation. They were twisting and tugging at each other with reptilian savagery. The pale, darting, black-rimmed fingernails looked up at him like evil flashing eyes with a sense of recognition and then three bent fingers of the right hand seized the long middle one of the left and pulled out the knuckle joint with a snap. The cruel noise in the baited half-silence of the room came like a shot and Parker could not sit any more. He took a step or two toward the door but thought better of it. He must stand fast. He felt compelled to pray . . . Oh, Father and Mother of us all, many people doubt that I love you because I say you are the Infinite Perfection and need no dogmas or miracles to prove your truths. I have never defended myself before man, but I ask your help and understanding for the troubles that are to smite me in the next few weeks.

But it was hard to shut out that resonant young voice, now giving full rein to its rancor.

— Lord, we know we cannot argue this man down. The more we say against him, the more people flock to him and the more they love him and revere him. O Lord, meet this infidel on his way like Saul of Tarsus. He is persecuting the Church of God. Cause a light to shine around him which shall bring him trembling to the earth and make him a defender to the faith which he has labored so long to destroy.

The young man looked up at this. He saw Parker's lips moving in a whisper and could catch a word or two as he listened briefly.

— Men hate me because I cannot take man-made rules for your authority; because I test all things by human faculties, intellectual things by the intellect, moral things by the conscience, affectional things by the affections and religious things by the soul. I know, God, that you have given us nothing better than our natures and that we cannot serve the purpose of our lives but by their normal use. . . .

Downstairs in the hallway, Lydia and Miss Stevenson had been listening in horror to the stranger's words. Now this silence distressed them even more. They wondered if Parker had become ill and fainted under the onslaught. Lydia wanted to go up to him but then a knock came at the door and she stood in indecision.

— I know, whispered Parker, — that you never made a miracle or a particle of absolute evil, and that all are blasphemers who say you are unforgiving and lack fidelity to yourself, and are finite.

Lydia started to walk slowly up the stairs, filled with fear.

Parker paused and looked down at his adversary. The squirming fingers were quiet now, relieved by their act of self-cruelty. With a kind of shame they drew apart and the hands dropped to the man's side. He knelt with deep bowed head, like an exhausted anchorite, his hands hidden and unbeseeching. Parker felt an upwelling of sympathy and stepped near to him.

— All mankind has made a mistake, said Parker temperately. — We took a false step in the beginning. The mistake of the Christian Church is its conception of God. Once it was the best we could either form or accept. Today, it is not worth while to try to receive it. It is inadequate for science. It is unfit for religion . . .

Lydia now stood listening on the second-floor landing. She winced as she heard the stranger cry out:

— O Lord, put a hook in this man's jaw as you did the great serpent Leviathan, and stop forever his vituperative tongue!

Parker's hand, which had been descending for a friendly squeeze of the man's bowed shoulder, stopped short. — Wake up. Wake up, he said. — Stop taking the dream of a half-savage Jew for God's affidavit of his own character. I cannot love an imperfect God. I cannot serve an imperfect God with perfect morality.

The man laid two clenched fists to his breast and cried again. — O Lord, if this man is a subject of grace, convert him and bring him into the Kingdom of Thy son. But if he is beyond the reach of the saving influence of the Gospel, remove him out of the way and let his influence die with him.



Lydia heard Parker's voice raised to its fullest pitch. — Are you praying for my death, sir? Do you know what you are saying?

— I'm going for Wendell, Lydia said starting down the stairs. — I can't stand this any more.

— Go the back way, Miss Stevenson said. — There's somebody waiting here at the front.

Lydia ran quickly to the strip of window and looked out. — Oh, it's the children. Let them in. Let them in.

Parker looked down at the man, longing to smite him with his hand across the mouth. — Amen, said the man. And then he added a postscript in a wild, garbled voice, scrambling to his feet. — I am not afraid of you. Hell never vomited forth a more wicked and blasphemous monster than you, and it is only the mercies of Jesus Christ which have kept you from damnation already!

— O dear God, Parker mumbled, — I cannot say Amen. I hate this man.

Then in his anguish he heard the front door unlatched and a torrent rush up the stairs. It was the children, happily crying, — Parkie, Parkie, Parkie! They rushed into the room, over a dozen of them engulfing him. He went with a rush to the secretary, scooping out the toys and strewing them over the floor. One lunged and crunched a delicately carved Swiss bear under his feet but got no rebuke. And the reverend stranger was shocked to see Parker get quickly to his knees, offering to these, neither kith nor kin, what he had denied to his God.

His going was unnoticed and he was almost forgotten. Little Abby, who had a great fondness for Parkie, stood with her arm around his neck and prattled on while he marveled at the infinite perfection of her soft curling hair, round blue eyes, delicate nose and white teeth. It is only the children, he thought, that one can look in the face without showing sadness for the attacks of time.

Young Lloyd came over with boyish brusqueness and tried to shove her away. — I want to tell Parkie something, he said. But she went on talking, trying to shut him out, and he took her around the neck and threw her to the floor.

— Well, she always talks when I want to tell something, he said to Parker, who was looking reprovingly at him as he picked up the little girl. And then through her wails and tears, Parker heard the boy say, — My father told me to tell you that they aren't going to put you out of the Music Hall!

Parker rocked back on his heels, hugging the sobbing child to his bosom, and a feeling of something arrested hung in the air.



Then the tall form of Phillips filled the door as he stepped delicately over the small fry to where Abby was sobbing on Parker's shoulder. He stood looking down at his dear friend, noting the tired lines in his forehead, the strained eyes and the trembling hand, and said, — This isn't the first time priestly malice has scanned every inch of your garment, dear friend. But still it is seamless and they find no stain.

And then Parker said, — Amen.

# THE FOURTH ORDEAL

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## OF WORLDLY TEMPTATION

*The earth is given into the hand of the wicked;  
He covereth the faces of the judges thereof;  
If it be not he, who then is it?  
Now my days are swifter than a post:  
They flee away, they see no good.  
They are passed away as the swift ships:  
As the eagle that swoopeth on the prey.  
If I say,—I will forget my complaint,  
I will put off my sad countenance, and be of good cheer:  
I am afraid of all my sorrows,  
I know that thou wilt not hold me innocent.  
I shall be condemned;  
Why then do I labour in vain?  
If I wash myself with snow water,  
And make my hands never so clean;  
Yet wilt thou plunge me in the ditch,  
And mine own clothes shall abhor me.*

EXETER PLACE, where Parker lived in Boston, was a short, blind street, backed at the end by a brick building against which grew a great vine, held in place by a massive trellis, three stories high. The theatricalism of this device was aided and abetted by a dry drab fountain set in a triangular patch of tired grass which wedged out from the wall, and a wizened, unshapely statue of Flora stood to catch, everywhere but in her dwarfish hands, the droppings of the birds.

His house was like one of those unfortunate doorways, often well kept, sometimes elegant, that the swirling winds use to pocket all the fugitive papers and leaves that they sweep up as they change quarter around the clock. Every spin of the weathercocks of religion, politics and economics pointed someone to his door. Whores, and deadbeats, young scholars

looking for money to continue their education, German and Polish revolutionists, generally atheists who rebuked him for his religion, and old ladies who tried to save him from his paganism, climbed the two flights of stairs to his study and sat in the big wicker chair beside the desk.

On the morning of July third, it was occupied by the Honorable Henry Wilson, a state senator, and an extremely gifted politician. He had the knack of judging events in terms of votes. He was Parker's age but there was no gray in his hair. He had a good firm handclasp and could listen with an absorption as sustained and effective as any flight of eloquence could be. His eyes were big and very blue and the well-spaced tangential wrinkles at their corners seemed to be transmitting all the sympathies and resources of his brain into the gaze he bent on a constituent.

He had called, he said, to report that the District Court grand jury had not found for murder against the Courthouse attackers, and that they were to be held for riot only.

— Were there any other names added to the list? asked Parker.

— Yes, said Henry. — Higginson, that young minister from Worcester.

— Thank you very much, Wilson. I understand that there was an attempt to include me in the charge.

— That's what I heard. Hallett's doing, of course.

— I'm surprised that they didn't succeed. I believe that I am the most hated man in political circles in the state and perhaps in the nation. And since the whole thing is political . . .

— Pardon me, Mr. Parker, but I must disagree with you there! The trial is political. But that you are so unpopular, I will never admit. I'm in the habit of studying these things very closely. It's my business, you might say and I am forced to admit you seem to wield more power than any other man I know of in Boston today.

Parker gave him an indignant look, as if to say, What are you looking for that you should resort to such crass flattery? . . . — Power, he said with a grunt of disbelief. — Why, I am a virtual outcast here in Boston and everywhere else! I wrote a letter to Mr. Seward just before Burns was taken, asking him to sponsor a convention against the Nebraska Bill in Albany, on the fourth. I also wrote to Chase of Ohio about it. Neither has answered me.

— Well, said Henry bringing the tangents of his deepest wrinkles to play on Parker's irritated face. — Certain things have happened that might have made these gentlemen choose discretion over valor.

— Then where is my power? demanded Parker. — I don't blame them. They have a lot to lose by joining with a man who is still not free of be-

ing an indicted felon. The case is over perhaps in the lower Court, but Curtis will have it transferred to the Circuit Court as he did in the Shadrach case. But brushing that aside, why didn't they hold the convention anyway? I've got up many conventions whose managers have asked me not to show my face thereat. I often withhold my name from petitions that I myself set in motion. I've had to work all of my political schemes by stealth, even before the Burns affair.

Wilson smiled happily. Things were going exactly as he had hoped. He put a hand into his breast pocket, to touch in reassurance a newspaper that was folded there, containing a report of Parker's sermon of the day before. — You are speaking of tactics, Mr. Parker. The point is, did your schemes succeed? I think they did.

— I may have cheated the gallows. Name my other triumphs if you can.

Henry held up his index finger. — First of all, the national chairman of the Democratic Party used every ounce of power and prestige he had to get you indicted by the District Court. Instead, the case will fizzle out and Sanger, the man who was to prosecute your case, is to be made a judge. Secondly, the richest and politically the most powerful family in Boston, the Curtises, tried to evict you from your church. They failed. The petitions you began for the removal of Judge Loring from the Probate Court have already got thousands of signatures on them. Judge Loring has been removed from his position at Harvard. Every attack against you has been defeated and the attackers routed.

— You wouldn't think so to read the newspapers. Every day they seem to bait and mire me more and more.

— That's it. No one has *said* that they're for you. At the Music Hall meeting, no one spoke in your favor; but you won. When the Harvard Overseers voted Loring down, not one word of debate was uttered. And when Richard Dana went to Josiah Quincy and Frank Dexter, to get them to oppose the removal of Loring . . .

Parker had been listening in a relaxed position but when he heard this he gave a slight start. He tried to conceal it by clasping both hands behind his head but it had not escaped Wilson's observant eye.

— Didn't you know that Richard Dana had turned against you?

— I wouldn't call it that, Parker said deprecatingly. — I had an idea two years ago that he wouldn't run long with our team.

— When he went to them, thinking of course that Quincy as New England's elder statesman and Dexter as the boss of the Whig Party would take sides with him, they told him that it served Loring right and it was about time that someone cut down the Curtis clique.

Parker studied Wilson a moment. The politician had sat upright in his chair at first, with his small hands held circumspectly in his lap. But as he talked he had unbuttoned his coat, then rumbled his hair and finally loosed his stock. Now Parker could see he was itching to put his foot up on Parker's desk and Parker didn't mind if he did.

— You know, Wilson, he said, — I've got a lot of confidence and respect for you. You're not a lawyer for one thing and you came from humble parents like myself. While I was hoeing corn, you were cobbling shoes. But you're here after something and I'd like to know what it is.

Henry got up and stood behind Parker's chair. He put his hand on Parker's shoulder and said, — We want you to go into politics.

— Are you serious? asked Parker. — How do you think you could ever get me on a ballot at a public convention? It would be political suicide to propose and second me at a public convention!

— What about a secret one as we have planned, so that no one would ever know you were running until Election Day, and then it would be too late? We've done that and swept the entire ticket in Philadelphia and through Ohio. You must understand that this is to be an Anti-Slavery Party. Isn't it about time we had one?

Parker pushed back his chair and stood up. Henry's hand had fallen to his side. — I understand it's the Know-Nothing Party.

— Why no, give it its right name, said Henry nervously. — It's a real party. It has a real name, the best of all: the American Party.

— Then why don't you run it like a real party instead of skulking around in secret like a lot of schoolboys, cutting pieces out of billboards and chalking silly signals on walls?

— Why? said Henry, nettled. — You ought to know why. The way you fellows have gone about your anti-slavery tactics has made it impossible for a respectable man to take a stand on the question. This violence and these wild demonstrations have given all of you the reputation of being lawless, infidel radicals who want to tear the Union apart stone by stone. How can men of property and standing join with you in public without losing everything they have?

— I didn't know they wanted to, said Parker mildly.

Henry sat down again, caught off guard by Parker's quiet reply. He daubed his forehead with a handkerchief and talked on in an injured, almost whimpering tone. — Well, they do. You people have got so used to expecting opposition you can't see it subsiding. They're coming around to your side, Parker. They have nowhere else to go.

— This is all news to me, Wilson. Then why doesn't Seward . . .

— Don't worry about Seward. He told me not long ago that you had the shrewdest political brain in the country. Let's worry about the Democratic Party. Are we going to let it be the only political party in this country, perpetuating forever its Party Supreme Court, its Slave Congress and Senate, and with its Southside ambassadors and consuls representing the land of the free all over the world?

— You don't have to tell me about the wickedness of this country. It is my own greatest misfortune that I have to oppose it and be taken for a politician instead of a preacher. I want to escape from this wretched conflict and write a book and be a minister and a scholar as I was cut out to be.

— Is that why you're always saying how everybody reviles you and hates you? I think you say that so you won't be asked . . . so that you can climb back into your cell and contemplate.

Parker was stung by the truth in this and he showed it. — That may be true, Wilson, but the fact remains that you yourself have only broached it because you're working underhandedly. That's no compliment to me.

— It won't be underhandedly for long. After people get used to anti-slavery, after they see all the people that are for it and the character of the men the new party has attracted, the need for secrecy will wither away . . . and we shall emerge as a great noble, humanitarian group.

The passionate ring in Wilson's voice made Parker feel a little ashamed of himself. He began to walk up and down the room in deep thought. He began to consider the question seriously.

— I've thought of public office, Wilson, he said, — although I've never mentioned it before to a single soul. I'd like to be a Senator. I'd like to come up against some of those drunken bullies from the South: Toombs . . . or Mason. Oh, how I could blast them!

Henry withdrew his eagerness. He had the Senate post in mind for himself. — I thought of Governor, he said. — The first anti-slavery Governor. Gardner wants it, but he can be by-passed.

— Gardner can buy it. He's a very rich man.

— Not in this party he can't. Besides, he hasn't got the friends and admirers you have. You preach to three thousand people a week. Think of the votes that would bring you.

Parker didn't answer this. He had experienced a brief, warm wave of pleasure. It flooded through his whole body and made him tingle to his fingertips. But it went quickly and left a lump in his stomach, a kind of heavy, guilty feeling that he couldn't define.

— We've got to have you, said Henry. — You're the only one that can

do the job. You're the only one that can stop the Paddies. We'll never get this administration defeated while every boat from Cork brings in new voters by the thousands.

Parker jerked his head around to look at Henry. — Oh, is that why you want me? To fight the Catholics? To be chief bigot?

— I don't know of anyone who has said more against them than you have. If you said it in a spirit of bigotry, you have only yourself to blame. I don't consider myself one. I'm anti-slavery. I have never denied it. I have suffered because of it. But I am willing to join any organization that can effectively fight against it. Now I'm a bigot, I suppose, in your eyes. Good-by, sir. I'm sorry I came. I don't drink, I don't smoke, I try to help my fellow man. I thought you were friendly toward me. I thought we shared the same ideas. I was wrong. I'm a bigot.

Parker ran over and shut the door against Henry's going and stood against it, confronting him.

— Don't leave, Henry, said Parker. — Calm down. I didn't say you were a bigot, but your party is against foreigners and I am not. My ancestors were all here before 1650 but that doesn't make them any better than someone who came here in 1840 or 1850. Democracy must rest on humanity, not nationality or a mode of religion. I prefer a higher-law Catholic to a lower-law Protestant, a noble man born in Kerry to a mean man born on Plymouth Rock.

— Then all you said on the matter means nothing, said Henry. — And all the sentiments in the new party against slavery are useless, and false if they did not come from the Pope on Cornhill Street.

Parker pushed him back . . . he didn't resist much . . . into the chair beside the desk.

— Please stay a bit, for my sake, Parker said. — These things that I have said, have they given people the impression that I am against the Catholics? I have said as much against ministers of my own faith whose superstition is their stock in trade.

Henry began to button his collar and straighten his coat. — You're too much for me, Mr. Parker. I don't know how to take you. I've heard people say that you make statements and then you never back them up and sometimes deny them. I have never believed it. Now I don't know.

— That's a very serious charge, said Parker. — I'd like to go into that for a bit.

He sat down at his desk and paused. Henry reached into his pocket and brought out the newspaper.

— Now let's not be angry at each other, Parker said. — I called you a



bigot and you called me a liar. After that I think we can be friends again. Read on, Macduff . . .

Henry unfolded the newspaper, cleared his throat and began. — I am about to quote from a sermon entitled "The Rights of Man in America." I'll skip over the first part and just read this section here which says that of the four great dangers threatening these rights, the Roman Catholic Church is one of the worst.

— Please note that I said the Church, not the Catholics themselves, said Parker. Henry raised his head in annoyance. Parker subsided into silence. Henry went on reading:

It claims infallibility for itself and therefore denies spiritual freedom, liberty of mind and conscience for its members. This makes it the foe of all progress, deadly hostile to democracy. It aims at absolute domination over the body and spirit of man and therefore is the natural ally of tyrants.

— That's right, that's right, said Parker. — I won't recant that.

— Then, said Henry, — you go on to say that the leading men of the country do not see this danger. And that a group so absolutely governed by a caste of celibate priests, emasculated of the natural humanities of our race, welded into a body and ruled by archbishops, cardinals and a Pope, would logically oppose the natural rights of man. It would have to hate free schools, free press, and free churches, the rule of majorities, the voice of the people.

— True, said Parker judiciously. — Every word is true.

The church of the dark ages shows itself more here every day [quoted Henry with gusto]. The Catholic clergy are on the march on the side of slavery. They find it is the dominant power and pay court thereto that they may rise by its help. They think it is an ulcer which will eat up the Republic and so stimulate and foster it for the ruin of Democracy, the deadliest foe of the Roman Hierarchy.

Henry let the paper slide to the floor and stood up to go.

— Wait, wait, said Parker, reaching for it. — You haven't read the rest of it. That's not the whole sermon.

— That's enough for me, Henry said. — Or it was until I found out that I was a bigot and you weren't. You can't blame me for being a little confused. Where do you draw the line?

— You drew the line, Henry. You didn't finish it. I went on to say this:

But I am glad the Catholics came here. We cannot blame them for the use the demagogues have made of their ignorance and poverty. We cannot blame them if their Romanism leads them to support slavery, filibustering and drunkenness. But good comes out of evil and our democracy is worth little if we cannot emancipate them too.

Henry opened the door. — Well, good-by, he said.

— Do you still believe that I don't back up my statements?

— Yes, I'm afraid I do.

Parker came over to him again and followed him down the stairs, saying this: — Well, I'll give you this much in writing if you wish. Your new party will do great things. It will rebuke the insolence of the Archbishop and Cardinals of the Catholic Church, who require a severe chastisement. It will show the politicians that they cannot use the foreign population as they do so shamelessly in Boston. It will throw confusion and dissolution into the old parties and make way for a new one. This one to be an open one where the members will not be afraid to stand up and be counted. Can you imagine the moral force of a party that could offer Wendell Phillips as Senator? Or Garrison as President? And all done in the spirit of democracy?

— They'd never get elected, said Henry. — That's ridiculous.

Parker could not forbear giving Henry a parting thrust. — I don't see how you can say that. You say you have the same principles as they have and you are always seeking for office with might and main.

Henry looked back at him a moment and smiled sadly. — I feel as if I had been run through a threshing machine but I still, for the life of me, can't see why the man who wrote that sermon is opposed to the Know-Nothings.

— I don't blame you for finding it hard to understand. It's something in *here*. I have a tenderness about tolerance. . . . When I was teaching school out Lexington way, I had a little Negro girl in my class. She was a very cunning child and quite bright. But some of the mothers objected to her and, rather than break up the school and undo the work I thought I had accomplished, I put her out.

— I'm afraid I don't get the connection, said Henry.

— It's in *here*, said Parker touching his chest again. — It left a tender spot that has hurt me ever since. I felt it again upstairs a while ago.

Henry shrugged his shoulders and walked off down the street. Parker climbed wearily up the stairs to his study and sat for a long while at the

south window. He listened intently to his own breathing. Then he put on his hat and went over to Otis Place to see Dr. Bowditch.

\* \* \* \* \*

Parker walked too fast over to Dr. Bowditch's and when he arrived his heart was pounding wildly and he knew he could not indulge the common human impulse to cheat the opinion of the doctor by putting his best pulse forward. He pulled the bell wire but there was no answer. The door was hospitably open so he walked into the parlor. He stood for a moment in the middle of the carpet, savoring the beauty and distinction of the room.

The shades were drawn over the long windows reaching to the floor but the afternoon brightness behind them made columns of light, green and diffused. The two Gilbert Stuarts lived quietly and without pomp on the pale walls. They were portraits of the doctor's parents. There were two handsome globes, three feet in diameter, museum pieces, masterworks of the cartographer's art. One was of the earth and the other celestial and they were not adornments but tools, for the doctor's father had been Nathaniel, the great navigator.

On the mantelpiece, like the dirty thumbmark of life on an elegant print, was a crude picture of a man's branded hand. It was Captain Walker's, with S S for slave stealer burned into it for rescuing a shipload of slaves from bondage not many years before.

Parker went to the back window and drew the edge of the shade aside to look out into the garden. There he caught sight of an incident so ordinary and yet so tender and exclusive that he envied the doctor more for it than another would the Stuarts and the distinguished ancestor.

The Bowditches were sitting at tea under an apple tree. The doctor picked up the teapot, fumbled it and it dropped and shattered on the pink bricks of the walk. The doctor brushed his trousers, making a great to-do about ruining them. The doctor's two children were laughing wildly and his wife was looking at him with a great deal of natural irritation.

— It's my finger, Ma, the doctor said.

— Oh, you always blame everything on that poor finger, Henry, said his wife. — I think you broke just as many things before you hurt it as you do now.

Then the doctor began to waltz and whirl about in the most ridiculous manner, singing horribly off-key in a mixture of garbled French, German and Latin medical terms.

The wife laughed and shook her head at his silliness. But the children's

eyes were as big as saucers, not knowing how to judge their father. Not knowing whether to laugh at his antics or be disgusted, as children often are at their elders' lack of decorum.

Before they could make up their minds the doctor stopped and said to the children with deep sincerity. — When I was in Paris I was offered eight hundred francs to perform this song and dance before the Emperor. I regret to this day that I had to refuse.

Parker let out a great shout of laughter and the Bowditches looked up suddenly at the window. Mrs. Bowditch made herself busy picking up the shattered teapot to hide her embarrassment. But the doctor was not embarrassed, and the children thought for many years after that the concert stage had lost a great artist when their father took up the dry study of medicine.

The good Dr. Bowditch smiled broadly as he greeted Parker a little later in the study.

— I've come to you, Doctor, said Parker, — because I think you are the most pious doctor I know.

— Pious? asked the doctor with a baffled look. — That's the first time I've been called that. Most of my colleagues say the opposite. In fact, call me the most Parker doctor they know. Bowditch stopped for a moment. — That sounds rather insulting, doesn't it? Well, let me tell you I consider it an honor nevertheless.

Parker sat down trying to ease more breath into his lungs without seeming too sick. — I say that optimism is the piety of science. That is why I have come to seek you out. Dr. Howe says I'm sick and shouldn't work. I want you to prove how impious he is.

Bowditch led Parker into his office. Parker started to take off his coat.

— Wait, the doctor said, — don't strip down yet. Let's talk awhile. I've heard something about your indisposition.

— My candle has been standing in a current of air and I've got to expect it to burn away faster than if all about it were still. Howe keeps telling me to rest, rest. But I can't, and I don't think it would do me a lot of good either.

Parker, who had been looking about the room, turned suddenly on the doctor. — Are you looking at my eyes, Doctor? Yes, I've thought of that too. The pupils are greatly dilated. I've seen that so many times in consumptive people, so many times in my own brothers and sisters. I had ten, you know, and all but one died in the period from forty-four to forty-nine years. This August I will be forty-four. I have the feeling that if I can get by these five years, I will live to past eighty like my seven Parker fathers.

I need twenty years after I stop preaching at sixty to contemplate and evaluate. And twenty years of work ahead. . . .

The doctor sat quietly listening. He saw plainly the hysteria and strain. — Do you have any headaches? he said finally.

— Oh yes, said Parker. — I've always had them. But they've got worse. They used to come and go. Now I have them all the time. That night at the meeting at Faneuil Hall I had ten rivers of fire running up the back of my neck and crossing and converging all over my skull.

— Much of a cough? asked the doctor.

— Some cough and night sweats. But Howe doesn't think it's pulmonic. He thinks I might have had a typhoid infection. My pulse has been very fast, around ninety, and I thought I detected *râles* in the left bronchi . . . but they were small and bubbling.

The doctor raised his eyebrows. — What's all this about *râles*? Did Dr. Howe tell you you had *râles*?

— No, said Parker. — I have a stethoscope and I hunt around with it myself from time to time.

— Then I can make my first prescription at once. Throw it away, said the doctor. — There are at least two dozen types of *râles*, each representing symptoms ranging from trivial to fatal. You shouldn't be interpreting them without a medical education. Do we doctors tell you how to preach a sermon?

— Yes, said Parker. — Dr. Howe tells me.

They both laughed at this. The doctor studied him again. — Tell me a little about your early life, he said. — You were born in Lexington. That should be a healthy enough beginning. You were a farmer boy and spent a great deal of time in the outdoors. I can see that. You have a fine sturdy-looking body. Your chest looks about forty-two in expansion . . . right? Your weight varies between one fifty and one sixty. You stand about five eight or nine. Why should a man like you start inching over that bull chest with a stethoscope?

— I was born the eleventh child in a house built in 1709. There was a great bog about fifty rods from the house, wet all year through and chilly. Every night, I remember, the fog would roll up to the house. Do you wonder so many of my family have been stricken with consumption?

Bowditch called him over to the wall, where a huge map of New England was hung. — Point me out the bog if you can, he said. — I'm keeping a record of bad spots here in New England. It's a pet theory of mine that certain locations do, as you say, breed lung disease.

Parker pointed it out to him and sat down again. — The strange part of

my family history is that the intemperate members, the drunkards that we lectured to and scorned, have escaped this tendency.

— Then get drunk on your birthday and stay that way for the next five years, Bowditch said.

— I would if I thought it would work, Parker said. — I mean it. I don't care what people would say. If I could get by this bad piece in the road, I'd do anything and expect God to forgive me.

— Drink a little, Bowditch said. — It wouldn't do you any harm. It might hurt you socially. They call me Free-rum Bowditch now, you know, although I've never given much of it away. Drink whatever suits you, sherry or Monongahela. Not too much, of course.

— Well, Parker said, — aren't you going to auscultate me?

— Later, later. We're still in that farmhouse. When did you leave there?

— When I was twenty. Then I went to school and then got the parish at Roxbury. That was a very healthy site . . . beautiful fields . . .

— How was your health in school?

— Oh, fine. I didn't have enough money to indulge in the usual college-boy excesses. I lived very simply.

— On what? What did you eat?

— Well, it seems hard to believe, but for a long time I got by on a cracker or two a day.

Bowditch rose in indignation. — Why did you do that? To deny yourself the fleshpots? Were you in with the faddists and Grahamites?

— I had to. I had no money for anything else.

— I know, Bowditch said. — And I know the rest of your story. Then you started reading ten or fifteen hours a day, teaching school and doing a little laboring on the side. Never an evening with the fellows for a song or two and some knocking about. Then the Parish and a huge book to write, interminable sermons to deliver. Then the Music Hall, the Anti-Slavery Societies, prison reform, religious controversies, fugitive slaves, lectures, tours all over the country. Sitting up in trains all night so that you can get to Ohio and back between sermons. I know all that. I don't have to go looking for anything with a stethoscope. I could find more on the pages of your journal.

Parker writhed unhappily in his chair. — I came here because I thought you wouldn't scold me. People are always scolding me, for doing what I can't help doing. I feel that God has entrusted me with certain powers and I must use them for my fellow man. I don't do any differently from Garrison and Wendell when they see four million of our brothers raising up their hands and saying, Speak for me.



He got up excitedly. — I've looked the matter carefully over and think I can go through the winter safely and do my work. I come from a long-lived stock and I hope that I can find a way to survive. But it matters little if I do go through or go under, if I do my duty as I ought.

Bowditch pressed him gently into the seat again. — Don't fight me, he said. — You're fighting everybody.

— Everybody these last few days, Parker said. — I've lost my temper with more people these last few weeks than I have in my whole life.

— You're overtired. You're at the breaking point. Now I don't intend to scold you or shut you off from your work. You must rest for the balance of the summer, I'm sure of that. You've got to get rid of these headaches. But I've got too much of a stake myself in what you're fighting for to put you on the shelf. We need you.

Bowditch put some water into a small pan and began to heat it over a gas ring. He told Parker to strip to the waist and then began to wash his own hands for the examination. When Parker had taken off the necessary clothes he stood meekly before the doctor. Bowditch told him to stand near the window. The doctor studied the massive chest of the man before him. The left side was a bit sunken; there might be something there. He marveled at the youngness and smoothness of Parker's skin and the rising, winged power of his broad back. It was shocking to see the gray beard falling to the young chest, spread with a triangular patch of fluffy, curly brown hair. Then he began to listen to the heart. After a moment of this he pulled his instrument away.

— Have you anything on your mind right now that's disturbing you? I mean in addition to Burns, grand juries and all the phantasmagoria you've been through this month?

— My heart is very fast, isn't it? Parker said. — Yes, Doctor, I have been greatly disturbed today. Henry Wilson came to see me this morning and hinted that I might have the nomination for Governor from the Know-Nothings if I joined up with them.

— Why, the damn scoundrel, said the doctor. — Well, I wouldn't let that bother me for a minute.

— It's not that. Henry means well and I don't think he'll stay with them long. But think of what it means! It means that the old political boundaries have become fluid all over the state, and perhaps all over the country.

Bowditch nodded. He knew very well what it meant. — What about anti-slavery?

— They're going along with it, Parker said. — It's to become the Anti-



Slavery Party in this state. He must have talked to others besides me. He must be sure of a lot of strength to buck the powers that be like this. He's a shrewd politician.

— But they can't call themselves the Anti-Slavery Party! said Bowditch indignantly. — Not with that thing against the Catholics and secret meetings and all that trash.

— Where else can the anti-slavery people go? Parker said. — This Brumaire, this vacuum that can be filled, requires an organization and a program. It requires a newspaper, willing workers who will canvass votes. You know all this, as an old Free-soiler.

— But we have all that, Bowditch exclaimed. — We have the *Liberator*, willing workers, people trained in mass education. Look at the men we have, Wendell Phillips, Francis Jackson. . . . The doctor stopped, realizing the absurdity of all this. The *Liberator* and the organization it represented was nonvoting. The *Liberator* was secessionist and carried on its masthead *No Union with Slaveholders*.

— I can read your thoughts, Doctor, said Parker.

— Surely they'll change their position, the doctor said. — Surely Garrison is astute enough to see the turn of the tide? They must. Why don't you speak to them, plead with them to take a stand for an honest anti-slavery party in Massachusetts?

— You speak to them, Doctor. You're closer to the society than I am. You're on the board of managers. I've never talked to Wendell about his nonvoting and he's never criticized my voting. It's better that way. We can work together on things without working on each other. That's why I came to see you today.

The doctor laid down the stethoscope. — But I am the only one on the board who does not go for disunion. I've fought their position for years. I wouldn't want to raise it again on such short notice.

— Afraid, Doctor? Parker said.

— Certainly not. I've debated voting many times with Phillips and Edmund Quincy and they have been offensively sharp with me. I wouldn't try them again. On the other hand, I could bear anything from Garrison and he's roasted me too. But surely they must see . . . Look, you've got me all excited!

He sat Parker on a chair and began to tap him and listen. But his mind wasn't on it and he had to stop for a minute. — There's a meeting tomorrow at Framingham. I had intended to drive out there anyway. I have an idea that there'll be an announcement then of a new line of attack in the Anti-Slavery Society. I feel it in my bones. I know there's

something up because they've been having meetings of the board every night for a week. That must be it, I know it.

He started to tap again and from the absorption he showed, Parker deduced that his mind was at rest on the question and Parker's spirits began to rise and his pulse perceptibly slackened. At the end Bowditch told him to dress.

The doctor sat idle and preoccupied as Parker put on his upper clothing. Then he nodded his head abruptly to himself and got up. Parker felt a sense of foreboding and watched him nervously and intently.

On a shelf near the shallow soapstone sink there was a beautiful box, polished to a glow and bound and clasped by soft gleaming brass. The doctor took it down with tender hands. His hesitancy and abstraction gave Parker the idea that it had nothing to do with medicine. He didn't handle it with the commonplace sureness of a toolcase of some kind. Parker thought perhaps it was some rare and finely wrought nautical instrument left the doctor by the great navigator. Parker's tension began to draw tighter again. He thought now that the doctor had some terrible ukase to deliver and was putting it off with a diverting discussion of some scientific point of common interest.

The doctor drew out of a case what looked like a huge needle tipped with a triangular point and ending in a metallic tube. He held it delicately in his hand a moment and then laid it back on its blue velvet bed. — That's a trocar, he said.

Parker came over to look at it. He gave an involuntary twitch of fear and turned away. He could almost feel it piercing his side, the tender left side that already had an arrow thrusting into it whenever he got overtired.

The doctor closed the case and said. — Did you ever hear of the process of paracentesis, or of thoracentesis? As a Greek scholar, you probably can derive that it means tapping of the chest to remove accumulations of fluid. It's not a new thing exactly.

— Hippocrates mentions opening the wall of the chest and draining it, Parker said. — I've just been studying a new edition from Paris. I was surprised to find out how much he knew.

— Oh, what a blessing you are, said the doctor, — to quote our medical fathers, like a good round friar and his Thomas Aquinas.

— I've often felt, Parker said, — that the doctors have as much right to live by old Hippocrates as the preachers by Moses and Elijah and the rest of their bloody old prophets.

— They do, said the doctor, — as I have found to my dismay.

This instrument is one that I developed with help from Dr. Wyman.

He took it up again from the box, admiring it in the light. — I say that I can remove fluid from the pleura with this without an incision, and with only a few moments of actual pain. It has become a minor *cause célèbre* in the medical profession. I have been attacked on every side for merely suggesting it. Even my best friend, my dear old teacher, has opposed me because of it. My old Dr. Jackson rejects it, and says that pleuritic effusions are removed eventually by natural processes. The most noted surgeon in America says he would as soon send a bullet into the chest as plunge a trocar into it. Bowditch paused, carefully looking away from Parker.

— Let me welcome you into the circle of defeated misfits, Doctor, said Parker. — You can take your place now in the Hall of Shame with Dr. Howe and his blind and deaf, Dr. Jackson and his ether, Horace Mann and his rejected schools, and Theodore Parker and his rejected theology. It doesn't take long for nature to dump the proper ingredients into the same bowl.

— No wonder people think twice before espousing anti-slavery publicly and being linked with us, said Bowditch ruefully.

— But if there is some connection between my illness and your discovery, said Parker calmly, — go ahead, Doctor. Let me be your iron ball; drop me from the tower. I shall consider it an honor.

The doctor smiled. — You have fluid in the pleura. I know that. You have sharp pains in the side? Parker nodded.

— I wouldn't say this if I didn't have absolute faith in this process. There is another method in vogue now that causes intense suffering and is dangerous to life itself.

— Then there is the answer for the rejection of your method, Doctor. You must never leave the suffering out. That is the dogma of medicine. You must suffer to be healed, you must be in torment to be shriven. I predict a continued lack of success for your process among medicine men and witch-doctors.

— Then you . . . The doctor paused.

— Oh, I will submit to your unholy touch. I demand it. You must pierce my breast now to ease my rebellious conscience.

The doctor flipped the pages of his engagement book. — You should have it done soon, he said, — in the warm weather. You're going to shut up the Music Hall for the summer, aren't you? How about the first week in August?

Parker thought for a moment. — It's a little complicated. Will I be

able to speak . . . how soon will I be able to speak after this operation?

— Well, the doctor said, — it might tie you down for a few weeks. But I'm sure that you'll be shipshape again by September.

Parker looked doubtful. — You know I have a childish fear of not being able to talk. It's an obsession with me. I hate to tie myself down to a date right now. I might be arrested and I shall want to speak in my own defense. It's rather an awkward time. Then there is the political question . . . I don't want to be laid up while the mob in broadcloth steal our revolution. They will, you know. Wilson and the others will take over our whole program.

The doctor looked disturbed at this. — I know. And it will be the same mob in broadcloth that dragged Garrison down State Street with a rope around his neck. I was there; that was the day I became an Abolitionist. I recently met one of the leaders of that mob that Friday, and he began to congratulate me on *our success*, as he puts it. But I think we'll have our spokesman in Garrison. He'll see the light. Tomorrow we shall all become something else. I know it, I know it. All my piety is telling me that.

But Bowditch closed the book without noting down a date for the operation. Parker looked around happily for his hat, ready to go. All his foolish fears seemed to be ended. The little needle would pierce to his entrails and let out the devil in there.

He held out his hands. — Doctor, I'm ashamed to say two Sundays ago at the Music Hall I felt so wretched I turned and looked at the multitude as I left the stage and said to myself, This is the last time, O Parkie. But my lungs are all right then, Doctor?

The doctor took a few steps toward the window and turned around again. — Are you going right home now? he asked, with an evasive air.

— Yes, yes, Parker said. Then he felt his gladness pass away and the fear come back. My lungs, my lungs, he wanted to shriek, what about them, are they rotten? Shall I spit them out in a little while piece by piece? Will my throat break away and float in clots to my mouth? Will my speech become a gurgle of blood?

In silence the doctor put on his stovepipe hat and led Parker to the front door and down the granite steps to the street. He stopped to sniff at a flowering shrub and opened his throat and took several deep breaths, thumping his chest. Finally, as they walked along the tree-shaded street, he began to talk.

— In 1808 my father was about thirty-five years old. In August, about twenty days after I came into the world, my father was making serious

preparations to go out of it. He apparently had all the most advanced symptoms of phthisis . . . a racking cough, haemoptysis, diarrhea, and general malaise; fever and debility. He made a certain decision, I don't know how he came to it. Perhaps from observing the condition of the seamen on one of his ocean trips. But anyway, he packed up a bag, got into an open carriage, and drove off with a companion for a month, on what turned out to be a trip of over seven hundred miles.

— On the first leg of his trip he landed up at an inn in Milton in miserable condition. He was coughing and spitting blood so fast and furiously that the innkeeper begged his chum to put him back in the carriage and bring him home to die. But he insisted on going on, and strangely enough began to feel better shortly after. His appetite came back and he began to enjoy the miserable tavern cooking more than his wholesome meals at home. Well, he made a grand circle from Connecticut through Vermont, and when he arrived back in Salem he was in tiptop shape.

— He thereafter walked from three to six miles every day of his life and made every one of his children do likewise. Rain or shine, winter or summer, he forced us out into the air, and whenever we seemed tired or sluggish from our studies at school he packed us off to a farm for a week or so and locked the books up in a cupboard.

— The remarkable thing was, in my opinion, that although he had married his cousin, who died at thirty-four of phthisis, none of his six surviving children had a speck of lung trouble and none of his children's children. . . .

By this time they had got to a point halfway between his house and Parker's.

— I'm going to leave you here, Theodore. I've got to get back. To finish my story . . . After he died, thirty years later, we had an autopsy performed. He had passed away from a cancer of the stomach and that was well established, but in the tip of one lung there were some heavy scars giving evidence of his ancient trouble.

Parker looked at him, finding nothing to say but understanding perfectly.

— Well, said the doctor. — I'll be after you tomorrow morning early, in my carriage, and we'll take a drive out to Framingham and see the Know-Somethings banish the Know-Nothings from our sacred battleground.

\* \* \* \* \*

Ben Hallett and Nick Queeny sat behind drawn curtains in a hired hack

pulled close to the woody delta at the fork of a private road in Brookline. Ben had found that the heart-shaped scraps of paper cut out and scattered over the Boston streets, particularly in the vicinity of State and Court, were invitations to a giant rally and clambake on the estate of a well-known merchant located at an expensive interval from the haunts of the poor, the humble and the Democrats. Not all were rich who were coming to see Sam, as they snickeringly said in the early dusk of the night before. The peepers counted seven omnibuses. One was clear up from Weymouth. But the biggest load came up in private carriages and four-horse carryalls. There was even a tallyho from Nahant with a horn-tooting footman on the back.

The coachmen on these vehicles were dismissed and sent back a piece down the road and given a light supper and beer in a neighbor's barn. Ben's hack driver had recognized a friend among them and gone over there for the free drinks. Nick Queeny was wrathful at the Irishmen who drove their masters to this meeting and then ate the food and drank the small beer of their betrayers. — You can't blame them for eating the hand that's biting them, Ben said jocosely.

Ben smacked his lips in grateful remembrance as he told Nick about the lovely meals he had eaten when he was in the Masons.

— Are you a Mason? Nick asked in horror.

— I passed through all of the degrees up to and including the thirty-second.

He could hear Nick almost stop breathing.

— And then I exposed them, Ben said. Nick let out his breath. — I learned every one of their foolish secrets and printed them up in a paper which I founded, the *Anti-Masonic Inquirer*. It later merged with the *Boston Post*.

— It's a wonder they didn't kill you for it.

— Oh, they made a few threats, Ben said, — but it didn't bother me. The more they threatened, the more rigmarole I trotted out.

He closed his eyes and began to quote. — The man you saw peering and who was discovered and seized and conducted to death, is an emblem of those who come to be initiated into our sacred mysteries through a motive of curiosity and if so indiscreet as to divulge their obligation we are bound to take vengeance of the treason by the destruction of the traitor. Let us pray to the eternal to preserve our order from such evil in that degree to which you came, by your zeal, fervor and constancy. You have remarked that from all the favorites at that time in the Apartment of Solomon only nine were elected to avenge the death of Hiram Abiff. This



makes good that a great many are called but few chosen. Pass from the Master's grip and seize his right arm above the elbow and place your left hand on his right shoulder. Give me the third token with your left hand, seize your brother's right elbow and with your right hand, his right shoulder. Give me the three passwords. Master Masons, Elhanon, Fellow Crafts repeated thrice. Give me the three Grand Words. First, Gibulum, second, Eh-yeh-asher-eh-yeh. What does that signify? I am what I am. The third, El-hodpdihu-kaw-lu. What does that word signify? God be praised we have finished.

Ben threw back his head and laughed. — I nearly finished the whole thing around here before I was through!

Nick laughed too. Ben was all right, he thought. — Was there anything against the Catholics in the rites? he asked.

— They were worse than the Catholics with their mumbo-jumbo and coffins and ropes and cubic stones and ivory keys and pillars and brazen seas and pyramids and Father Adams and Prelates. Well, I finally wound up with the dishonorable degree of the adepts of the order of St. Judas Iscariot.

— And you've been in it ever since, said Nick sourly.

— Now don't take offense at what I said about the Catholics. Some of my best friends are Catholics and I can truly say that more than 50 per cent of the jobs I've handed out since I got in office have been to that faith. I built my friendship with them on my exposure of the Masons, and I think I deserve it.

— Is that why you went with Garrison years ago, to expose him? said Nick slyly.

The hack springs sagged as Ben shifted his weight uncomfortably. — You'd better get going now, Queeny, he ordered imperiously. — Just walk right in the gate. There's too many of them tonight to check you. Don't open your mouth inside. Just circle around and see if you can find the men I mentioned.

Queeny stepped out into the soft night and closed the door quietly. When his footsteps had died up the road, Ben lit a candle and put a writing-board on his knees and began to work on the speech he was to give as a Fourth of July orator the next day. It was to be an attack and exposure of the Know-Nothings. He was to name names. He hoped that he could hurl the whole Parker coterie into infamy on his nation's natal day.

\* \* \* \* \*

Nick was frightened but he appeared bold as he walked up to the great



stone gateposts of the estate. There were kerosene torches stuck in the rock clefts and he could see vast tables spread inside and the white-coated Negro waiters of Smith the Caterer moving about preparing the feast. There was a burly group of young men wearing broad-brimmed white felt hats standing on guard, and just off the driveway was a carved mahogany table with a heavy book on it. Nick hesitated a moment and watched a group enter. Some of them did something with their hands, passed it across the face in a peculiar way and then shook hands with the sentinels in a guarded manner, whispering something in their ears. — Pass, said the guard. — Next please.

Nick was appalled when he realized that the same thing that Ben had related was being repeated here. There were grips and signs and passwords and he didn't know them. He looked fearfully at the husky guards. He didn't want to be left by the road with a broken arm, over this. Then he saw three men shrug their shoulders in ignorance as the guard approached them. Nick took a step forward to join the group. But then he stepped back in a flash of horror. The men were now at the carved table and the guard made them put their hands on the book and swear a terrible oath. Nick could hear some of the words quite plainly. One of the men was drunk and couldn't seem to get it right. He had a Scotch brogue on him, two years out of Glasgow.

The guard repeated it loudly and clearly in an exasperated voice. The hell with this, said Nick to himself and he went back to the hack.

Ben was scribbling elegantly in the candlelight. He had blocked out the body of his speech, a ringing, rousing affirmation of the Party line in all its monolithic strength. When he felt a tugging at the door handle, he hurriedly blew out the candle and squeezed back in a corner. Nick got back into the hack with him. — What happened? Ben demanded.

— I couldn't get in, Nick said. — They had guards at the gate.

— Nonsense, blustered Ben. — There's over a thousand in there now. This is a mass meeting. How did the others get in?

— They have some kind of a password and a secret grip.

— Humm, mumbled Ben, silent for a moment or two. — They can't be that tightly organized at this point. What about new people? They must have provisions for recruiting tonight?

— Well, said Nick reluctantly, — they made some people touch the Book and swear an oath.

— Why didn't you do that, you lunkhead?

— It was an oath against the Holy Father, said Nick doggedly.

— What of it? Ben said. — It's for a good cause, isn't it, that you're

taking it? You don't have to say anything anyway . . . just mumble like they do in court.

— I couldn't swear on that Book. It's a Protestant Bible.

Ben lit up a cigar. The darkness inside the stuffy hack made the ash glow like hell-fire, lighting up Ben's beefy face, and touched the tips of his pale standing cowlicks, making them look like gilded horns. Finally he said, — What difference does it make? A Bible is a Bible.

— Not to me, Nick said. — There's a difference to me.

Ben blew out an angry gust of smoke. — I'm surprised at you, Queeny. Here you have a chance to serve your country and you quibble at a little thing like that. What is this, a new higher-law doctrine like Parker's? No wonder people are against the Irish and say they can't be absorbed! Look what I did for you people when I went into the Masons. I took thousands of oaths and then went against my own kind to help the foreigners. It's God-damned ungrateful, if you ask me.

Nick gave no answer but exhaled silent stubborn resistance.

Ben decided to try a new attack. He laid his big fat hand on Nick's leg. — Look, Nick my boy. I respect your reluctance to go against your mother's teachings. You're a good son to her. But this is a big thing. You've got to sacrifice something here. Do you think you're the only one who ever had to do a thing like this? Come on, I know all about you people. What about the Jesuits? They do it all the time, don't they? They'll swear anything for a good end and you know it. It's a well-known fact.

— That's a lie, said Nick lashing out. Ben dropped his cigar in anger and swore and grunted as he tried to brush the live coals burning into his broadcloth trousers. Nick picked it up and handed it back to him. Ben took it as if it were a knife and he were going to thrust it back into Queeny's eyes. Queeny sat back in the seat and folded his arms. Finally he spoke up in more respectful tones. — A sin is a sin, he said.

Ben gave him a long heavy look of disgust and parted the curtain for a look outside. He turned back and said in a tired, sarcastic voice, — Look, Queeny, there's a wall out there that you can get over if I give you a boost. I hope you have no religious scruples over that. I seem to remember quite a few of your kinsmen desecrating the one at the State Prison. I want you in there tonight.

Nick considered. He was now on the Marshal's staff as a deputy. Would it be wise to throw it up after he had worked so hard and licked so many boots? All right, he thought, I'll do it. But I won't give in too quickly.

— Suppose I drop over the wall and one of those wide-awakes grabs me?  
— It's a half-mile from the gate. They'll all be drunk pretty soon anyway. I think you owe this to me, Queeny. Don't you?

Nick sensed the ultimatum in Ben's voice and slowly opened the door. Ben climbed out after him and went to the wall. Nick climbed roughly on his shoulders and managed to give him a few good surreptitious kicks around the head and ears before he slipped over onto the grounds of the estate. Ben went back to the hack, lit the candle and resumed writing his speech. . . . The foul bigots and hoary knaves versed in political intrigue rave about the rights of the beastlike blacks of the South and try to set them to massacre their masters; but here in Massachusetts the hypocrites prey in secret, like big-bellied spiders, on the poor and noble oppressed Celts of their own race who flee from the English tyrants to our sheltering wings of liberty. Here are the names so that you may scorn them and keep out of their perfidious webs, called by such sweet-smelling names as Music Halls and Anti-Slavery Societies and Woman's Rights and all the other misleading titles full of the clap-trap humanitarianism they use to front their evil intent and trap honest men into the privilege of losing their legs, of buzzing without flying and being eaten up at leisure by the big-bellied spiders.

This was the part where he'd add Parker and the rest and expose them and the fraudulent groups they had organized to hide their secret subversions. He looked continually at the blank space following this, coming back to it again and again from the latter parts of the speech. He was pretty impatient by the time Nick arrived an hour and a half later.

— Well, who was there? said Ben before Nick's buttocks had more than grazed the seat.

— Wait till I get here, said Nick. As he breathed out, the fumes of an excellent brandy spread its fragrance into the stuffy cubicle.

Ben rearranged his papers with the blank-spaced one on top and held his pencil up expectantly. — You'd better give them to me alphabetically, if you can. I want to list them all. Now, begin with A.

— A. B. said Nick. — Anson Burlingame. You know the man that was with Dana when Louis Varelli slugged him?

— Louis Varelli didn't slug him, it was Sullivan, I mean Huxford.

— Varelli pushed him. They were both there. Huxford got caught, that's all.

— Oh, never mind that now, said Ben impatiently. — Let's get on with the list. We don't want to be here all night.

— That's all, said Nick.  
— What are you talking about, that's all?  
— What do you mean what am I talking about? I said what I'm talking about. I said, that's all.

— What did they do, offer you a better job in there? There must have been somebody else. I know Henry Wilson was there.

— Yes, agreed Nick. — He was on the platform. The speakers were in a little summerhouse over by the hill about fifty feet from the house. But that's all.

— You're not serious, said Ben with a bit of a wail in his voice. He held the candle up to Nick's face and found to his dismay that he was. — Let me refresh your memory, Ben said. — Dana, Phillips, Mr. May, the old feller, Parker . . . No? Charles Ellis? That reporter, I forget his name . . . Seth Webb? . . . Dr. Howe? Dr. Bowditch or his brother? Any of the Quincys? Was Sumner there? Hamilton Willis? Judge Russell? Browne from Salem? John Andrew? Davis from Plymouth?

To each name Nick shook his head, No. Ben grew more and more angry with a kind of panic mixed up in it. Then he leaned over and sniffed at Nick's mouth.

— No wonder you couldn't see them. You're drunk!

— I could see them all right, shouted Nick. — I saw who was there. There were a hell of a lot of Democrats there. Plenty of your friends and contributors. I saw them and I saw their names put down on a petition not to hire Irish in their stores and mills. I saw them pledge to put a tag on their ads for help, in the paper, that NO IRISH NEED APPLY! I saw more rich Democrats than any others.

Nick took the candle out of Ben's hand and shoved it into his face. — What's going on anyway? he demanded. — The boys over at the Navy Yard went on strike last week for a raise in their pay. How can a man with a family get on with two-fifty a day in these times? And the Democrats in the capital told them if they didn't drop it and go back to work they'd never be able to work in any government job again for the rest of their lives!

Nick leaned back again, looking ruefully at the wax dropping like tears on his best coat. — It seems to me that the man was right who said that the Party has nothing left but the name.

Ben didn't try to reply. He could hear the far-off trumpets of defeat in his ears. He crumpled his speech and cast it down on the floor of the hack. He thrust the curtains back to let in some air and light. All

up the road the carriages were starting up and the men from the meeting had carried the torches out with them. They began to flicker past like flying luminous insects and then the tallyho rumbled by, the footman playing "John Peel" loud and sweet in the night out of feckless exuberance.

# THE FIFTH ORDEAL

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## OF DOUBT

*When I say, — My bed shall comfort me.  
My couch shall ease my complaint . . .  
Then thou scarest me with dreams,  
And terrifiest me through visions:  
So that my soul chooseth strangling,  
And death rather than these my bones.  
I loathe my life; I would not live always:  
Let me alone; for my days are vanity.  
What is man, that thou shouldest magnify him,  
And that thou shouldest set thine heart upon him,  
And that thou shouldest visit him every morning,  
And try him every moment?*

IN THE BEDROOM on Exeter Place the air was hot and still. The blackness outside the window was sometimes flashed by a vein of uprising golden smoke or a geyser of sparks from a fresh-fed street fire. The sulphurous fumes of exhausted fireworks came in and laid the bitter taste of gunpowder on the tongue. Parker lay wide-awake looking at the ceiling, shrinking from and trying to shut out the report of exploding crackers, but then waiting impatiently for the next one. He put his hands under his head and then began to feel in his solar plexus the empty, awesome feeling he got on Saturday nights, thinking of his sermon the next day. It was stronger almost, more like his Saturday-night feeling when away from home on a lecture tour and thus unable to preach. It then became awe and fear compounded with guilt.

He tried to think of other things to drive it away, and shut his eyes determined not to lift them again and thus force slumber by the will. His hands went to his side and one of them struck against the silken thigh of Lydia, fast asleep beside him. He let the back of his hand stay against her,

feeling her womanliness flow into him. Just that day while passing along the street, he had met the eye of a beautiful young woman and their glances had clung to each other and he had experienced an unfamiliar and unspeakable delight. He had put it down later to his illness and weakness. And now this, the hand unable to part from the thigh, the senses all aroused.

. . . Why did the human hand always seek the roundness of things, the male hand always to the roundness and warmth of the female? Was it because of the ancient worship of trees but of course the worship came from the womanly limbs first, and then to the trees overarching to the stars; then why is woman compared always to a vine, not like a tree, man and woman two trees together entwining their arms and trunks . . . vine motif brought in by churchmen to make woman inferior . . . not by the Greeks surely for they were brutes in their lust but there was something graceful and aesthetic in their love adventures . . . cannot Greek free unconventional love be linked with Christian morality . . . about Jews . . . they knew lechery, no language in the world so full of words for sexual mixing . . .

And the sad, persistent scholar's mind ran through them as he lay un-sheeted on the hot bed. Subtly, almost of itself, the hand turned over on Lydia's thigh and began to cup it with the palm and probing fingers.

. . . What of Christ and the bed . . . very little there, only of the Saint Theresas and the Saint Bridgets, calling him to their sole and joyless couches, it was not the particular satisfaction they wanted that the phantom brought, religion could not take the place of the finite affections, no never, never, nor the ear for the eye, one thing cannot take the place of a different thing . . .

Lydia turned and whimpered in the heat and with fumbling, unconscious cruelty swept his hand away from her.

He put his hands straight at his side and lay rigid as iron now, hurt and aching, falsely assuming complete rejection. He began to think of what Bowditch said about his father and the tainted wife not passing down the venom in their loins unto their issue.

. . . No, it was not true: they did; else why in his family had so many been clawed by the venomous cat? And so he must say good-by to the earthly joy which had flowered from his internal life; no children now, none before but there was some hope before, but now must be an old maid, bettying through his life, the rest . . .

. . . But if only children, dearest object of affections at hand, how strange that he, more than any full of affectional pull toward them, should



never get that happiness! Better to be away from woman altogether, have own room, less torment. . . .

He turned on his side, back toward Lydia in symbolic renunciation. But no, it was acute discomfort, his arm pressed beneath him, his head too heavy on the downward side.

. . . No, no, cannot give up the mere presence of womanliness, incarnate, fragrant, subtlety of mind, subtlety of woman divesting of her garments, no, not to shut that out of my life and put strangeness on it, stay here . . .

He rolled back and lay face upward again.

. . . A man's courtship begins after marriage anyway, he has to piece out a wife, a little here and a little there; sometimes there are joys just short of the passional part, but the spring of my life can never be intellect or reform but only in the affections . . . from these comes my only delight . . . oh sad, sad it will be from now on . . .

He put the force of his brain heavily to the shutting-out of this. He went back to the crisscross of his past life in the game that children play and the children of darkness, sad grown children.

. . . If I had done this instead of that, thus and so would have happened and stopped this sorrow and that sorrow and the humiliation of that mistake . . .

. . . If I hadn't pleaded with Burns he would have gone quietly and had no reprisals put upon him, no before that, if I had not gone to such efforts to form the Vigilance Committee and beg the fugitives not to leave town because of the law and pleaded with those gone to return and take up their homes and businesses under protection of the committee . . . yes, committee . . . start there and follow the fever chart of error and confusion printed harshly on the calm whiteness of might-have-been . . .

He could see every inch of the ceiling now; the friendly darkness had gone from the room, there was a flash holding onto the walls. He began whirling around and around, his head and toes heavy with swinging and his solar plexus tense and knotted, a hub of iron.

. . . Why must I spin like this, what pulls me around from one conclusion to another, ambiguity my torment? Where am I wrong, where does it start, when can I end it, why can't I confess, lay my burden down . . . ?

. . . . Because I have no son to carry it for me, because I do not fear enough, bow enough, yield enough, is there no strength in love?

What must I confess? . . .

. . . I doubt . . . I have conspired for conscience' sake and now I have

a dogma of the mind . . . The Higher Law, the Will of God . . . scraped on the tablet of my flesh . . . but I am doomed, my flesh is sick, corrupt . . . How could God have joined it to an absolute . . . I doubt . . . I cannot cry *credo* and be done with it . . .

His disembodied hands groped in an appeal among the books upstairs, seeking a testament of freedom . . . But the Hebrew Commonwealth is gone and Greece . . . all free commonwealths of old gone and the old free cities, German, Swiss, of Italy gone . . . All have perished.

Below his groping hands his body was erect and spinning in a whirlpool, the current shunted off, the circle endless, his toes were reaching down for the rock beneath, the steady base, the hard pack, the unequivocal affirmation.

. . . And left in continuity a single man . . . with him the viable absolute . . . sitting with the crown and miter, on the Etruscan rock, under St. Peter's Dome two thousand years . . . God's will be done. God's will is fear . . .

He heard the rattle of a carriage and the clumping of horses coming for him, a pale horse and an open hearse and an open coffin; and it wound around and around a rutted road and stopped at a shoemaker's shop.

He began to weep and he sensed that his tears were awake and real and began to feel the convulsion of his sobs shake the corporeal bed. He held his hands close to his quaking sides so as not to awaken his wife beside him. He felt a sudden recognition of time. It was like birthday time, birthday eve, the hateful bitter milestones on the road of his failure. He could hear now in coming wakefulness the scattered reports of faraway cannon crackers and the shouts of drunken joymakers, his country's birthday, slipping downhill into the slough of failure and irresolution.

. . . O God, why have you given finality to one man only, why have you denied the democracy of the spirit?

Then the warm tears on his cheeks came like the current he sought and he stood at last on a firm base, for there was a Luther, a Paul, a Jesus without fear, and there was a man today who has been tender, loving, selfless and resolved, a man without fear.

He sat up in the bed and dropped one leg over the side. He must seek him out in the murky streets among the artificial thunder of echoing explosions and knock at his door and bless him for merely living in this age and within his reach and being his neighbor and most wonderful of all, his parishioner. He must see Garrison, he must give up his burden there, find finality coming out of love instead of fear.

He felt Lydia rise beside him. — Go to sleep, dear, she said.

— I've got to see Garrison, see Garrison, he mumbled.

She seized his shoulders and drew him down back beside her, cradling his burning head like an infant between her breasts.

— Tomorrow, she murmured, — you'll see him tomorrow.

— Tomorrow, he whispered, passing off into dreamless oblivion.

# THE SIXTH ORDEAL

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## OF DISAPPOINTMENT

*All the days of my warfare would I wait,  
Till my release should come.  
Thou shouldest call, and I would answer thee:  
Thou wouldest have a desire to the work of thine hands.  
But now thou numberest my steps:  
And surely the mountain falling cometh to nought,  
And the rock is removed out of its place;  
The waters wear the stones;  
The overflowings thereof wash away the dust of the earth;  
And thou destroyest the hope of man.  
Thou prevailest for ever against him, and he passeth;  
Thou changest his countenance, and sendest him away.  
His sons come to honour, and he knoweth it not;  
And they are brought low, but he perceiveth it not of them.  
But his flesh upon him hath pain,  
And his soul within him mourneth.*

WHEN the doctor's gig finally came to Parker's house in the bright early hours of the morning, Parker was composed and controlled. He stepped out into the sun and glanced quickly at the doctor's horse. It was a plump and saucy mare with beautiful ankles and dancing feet and with a coat of glossy shining deep-toned red.

— Isn't Fanny a beauty? the doctor said, pulling Parker up into the seat beside him. When they started off, he told his passenger to relax and let his body move with the carriage. — It's a good form of exercise to be tossed around a little, that's why I always wear my easy coat while driving around. I see you're up in your full black.

Parker was carefully dressed in full black broadcloth and with a new hat he had never worn before.

— Feel as if I'm going to a funeral, Parker said.

The doctor said nothing about this and they kept silence until they were almost out of town and onto the Framingham Pike.

— How do my eyes look this morning? Parker asked, turning to face him. The doctor looked briefly at him and turned away, listening to the chook-chook of the hoofs. Parker kept his face toward him. Finally the doctor said, — There isn't as much in that eye business as some doctors say. I judge more by the full face. I can generally tell before I examine the chest at all.

— What about the face? said Parker with morbid eagerness. — Paleness, perhaps, or a muscular twitch?

— No, nothing special. It's hard to say. I just know. I have many consumptive people visiting me daily. You should know. You have people coming to you every day with troubles on their souls. You know what it is and how deep it is without having to probe around, don't you?

Parker turned his head away nodding in agreement.

— You can almost tell a radical in the same way. I often see a man pass by in the streets and know that he's one of us without knowing anything else about him. The doctor smiled. — The stuff about the complexion is rich. I saw the consumptive's look on that poor Negro in the Courthouse. Early stages, but there.

— Anthony Burns? Then he'll die from this?

The doctor gave him a puzzled look. He touched the mare lightly with the whip to change her pace and brighten the tempo of the ride.

As they trotted past the tollhouse near the West Bridge, the doctor said, — Let's not gloom all the way to Framingham. Do you remember what happened here about four years ago this time?

— Yes. I married William and Ellen Crafts and hid them away up in my attic from the slave catchers.

— I'll never forget it, said the doctor. — It was just about here by the embankment. I had Ellen hidden away in this carriage. I had picked her up in Brookline minutes before the Marshal had come after her. They told me I'd meet a man on this side of the bridge who would take over and hide her away. I don't know what I expected to see . . . someone in boots, at least, with a pistol. I galloped poor Fanny all the way over the bridge and when I got here I saw only one man. And he was ambling along without a care in the world, eating an apple. Can this be the deliverer, I asked myself. Surely not, with an apple in one hand and a book in the other. But it was you and you were the deliverer, but you didn't look your part at all.

— But I borrowed your pistol after I threw the apple away and kept it loaded on my desk all the time she was in my house.

— I'm afraid you threw something else away with the apple, Theodore. Have you lost that famous composure and optimism? It isn't like you to be morbid like this, worrying about the look in your eyes. Is it because of what I said about my father?

Parker slumped down in his seat, turtling his head in his big shoulders and tapping his fingers together, steeple fashion.

— No, Doctor. I suspected that my lungs were diseased. But today, two great questions are going to be answered for me. One by you, and the other by Garrison. If they come out right, we can tee-hee-hee all the way home.

The doctor let the horse slow down into a walk again, slackening his hold on the reins. — All right, shoot. Let's get it over with.

— I mentioned it yesterday but you didn't comment on it. I'll put it again. This thing I have is a family disease. I've been studying it and thinking about it all my life, as some people study their blood lines or the quarterings on their crests. And I have come to this conclusion: There is a critical period in the lives of all the Parkers. This period is five years long, and occurs precisely between the ages of forty-four and forty-nine. I know of eleven who have died within that period. Five were my own brothers and sisters. But the ones that got past that bad spot lived to be eighty or more. I have a brother now nearing sixty and he looks better than I do.

— How old was your father when he died?

— Over eighty. Now, I am beginning the critical period myself. Do you think if I live through it, I will get round the cape?

The doctor shook his head. — I don't think I can answer that. I don't think you can back life into a corner and make it beat time like a metronome.

— But there must be something to the time element. Your own father was the first insurance actuary. If he hadn't been able to compute the average life-span of a man and set his principles on it, his company would have gone bankrupt.

— But he set it on an average man. How are we going to measure your day? Since May twenty-sixth, you have lived the excitement and tensions of a dozen average men. How can we tie you down to a calendar year? If you've got five years, you've squandered three of them in the last month. If you want to make that experiment, you must immobilize yourself. You must become a mollusk sitting on the river bed.

— I can't take the leap off Niagara and stop halfway down, Parker said sitting bolt upright.

— The sentence of death is passed on all of us, said the doctor.

— And the sentence of life. I think it has set a purpose for me and I intend to carry it out. But I must have time. Not more life or less life or anything extra for myself, but just enough to serve my purpose.

— But you are serving your purpose, have been supremely in the last few weeks, and it is killing you.

— Stump speaking? That's not what I was intended for. I have to steal the time to do that. That isn't why I have learned twenty-eight languages and built up my library with every cent I can spare.

— Come now, said the doctor, — you can't back history into a corner any more than you can life. The Adamses and the Jeffersons and the rest plotted the Revolution for years, but it was your own farmer grandfather that stood up on Lexington Green and fired the shot and set it in motion. Someone's got to stand up again and fire a shot for freedom. Perhaps you inherited his place. Don't you ever hear a voice saying, Thou art the man?

— If I have, I've ignored it. I've just read a book by a German exile living in London by the name of Marx. He pointed out that Hegel's observation that all great historical facts and personages occur twice was incomplete, because although the first time they occur as tragedy, the second is as a farce. That's what happened that night at Faneuil Hall. What if I had been able to carry out the plan, to get that whole crowd united behind me, and what if I ran to the Courthouse and put a bullet through Watson Freeman and rescued Burns? What if that had happened? Wouldn't that have been glorious? Think of my trial. That would have told the country what time it is.

Bowditch nodded sadly. — Why didn't it happen?

— I don't know. Perhaps I've read too many books, including the last-mentioned. My intellect told me it wouldn't work.

— Oh, let's not talk any more about it, said the doctor. — It wouldn't have been worth it, anyway. They might have hanged you. You would have been sentenced all the way through to the Supreme Court.

Parker gave a harsh cynical laugh. — What if I had been hanged? I'm going to die anyway soon enough. Better a martyr's grave.

— You don't know whether you'll die.

— I don't know whether I'll live either. That's the trouble with you doctors. You haven't even learned to tell time. If I knew I was going to live, I could do my rightful work. If I knew I was going to die, I could



have forced this country to stand up and say what you do to this man with the machinery of government will decide whether the idea of freedom will survive or perish. And we would see the flocks divided and know our strength, before it is too late and brother kills his brother over it.

The horse was disturbed by Parker's rough voice, loud in its passion, and began to trot again. She shook her head and strode sideways as if she were angry at the profanation of the beauty and calmness of the morning. The reins that had been lying in the doctor's lap slithered off to the floor. As the doctor bent to retrieve them, he was conscious of the high wheel rolling behind him. He could hear it grating harshly on the gravel and crunching over the loose stones and snapping them into the gutter.

He drew the reins tight on Fanny's neck to even out her irritable gait. It took some steady pulling to quiet the horse down because she knew too that the doctor had caught a Tartar. Sooner or later Parker took the reins away from everyone he talked to. He did it to the lawyers when he questioned them. Also other ministers. Also the merchants. Also the politicians.

The doctor gave Parker a sidelong glance to see whether there was a tiny smirk of self-satisfaction on his face or whether he was sitting with his chest inflated. But no, he was as limp as a child in its mother's arms, trying with desperate concentration to relax and yield to the tossing of the carriage, for his health's sake, as the doctor had ordered.

After a while, as they clopped slowly up a hill, the doctor said he hoped Parker would have more luck with the question he wanted Garrison to answer.

— Oh, Garrison isn't going to answer it, said Parker. — He'll put it, the country will answer it. In that way we can tell the state of the nation's health.

— Hasn't he been putting it for the last twenty years?

— As a reformer, not as a politician.

— But we've never had any luck with politicians. We thought Webster was our man once, and look where he ended up! Why do you think one man can settle the question, and why Garrison?

— I had a revelation last night and it said a single-minded man must come forward, like Paul and Luther of old and stand for the half-felt desires of the people. A single-minded man, not a double thinker like a politician trying to win an election first and striking a blow for humanity second. It is Garrison's question that will settle the impasse in the end, and most people know it. They must come together but Garrison must take the first step. He must stop rejecting them with his no-union position.

— What makes you think he'll change after all these years?

— He's at least as smart as Henry Wilson. If this event told Wilson he can win an election on an anti-slavery platform, Garrison should reverse it and win anti-slavery on an election platform.

— But Wilson is using it as a side issue to the anti-Catholic thing. Would Garrison?

— Of course not. That's another reason why he must act politically now. He must prevent anti-slavery from letting the Know-Nothings take over their power. The people are confused and resentful of the old parties. They want a man to believe in. They shy away from revolutionary ideas, but a man whose public life is already noble and selfless will develop the people into accepting such measures as the new idea requires. They will support him, follow him. And even if he does not win, we will know how much strength real principle openly stated can achieve.

— I think you're a better man for that than he is.

— I'm not single-minded. But I am his preacher and I hope he listens to me. He was sitting before me when I preached my sermon on the Burns case. As I ended, I prayed for political action to rise out of his conscience and save the land from fire and blood. He must answer me today.

They reached the top of the hill and began to roll down the other side. Fanny lengthened her strides. — Poor Fanny, said the doctor. — She has to run so much faster down the hill. It would be all right, I suppose, if she knew where she was going. What do you really want in life, Theodore, or is that too personal?

Parker straightened out. He planted his feet against the dashboard and his shoulders smack against the cushion. — I have preached many times about men who have died and it is always that question that sums up his life. That and another. What did he want and what did he get? I want to write a bill of rights for religion. When was the last time you went to church, Doctor, not counting the Music Hall?

— Dear me, not for years. Their ceremonies seem unholy to me. I never feel prayerful when I enter a congregation.

— You are the rock on which I want to build my church. The boundaries of religion are becoming as fluid as those of politics. People like you have no place to go. You cannot enter into a compact which does not affirm the rights of man. You know astronomy has destroyed the idea of a local heaven, that geology has done away with the whim of a six-day creation and of a local hell. You know that biology makes death natural instead of penal; that anthropology denies the descent of man from a single pair. Psychology explains visions, ecstasies, *et cetera* as not being miraculous. Comparative religion shows that Christianity is only one of

many forms in which there exists a history of inspiration, revelation and scripture. Now do you see the magnitude of the task before me? Now do you see why I am so jealous of time, why the hands of the clock are like the point of a gun held to my head? I am no Luther, but this is a thing I can do. I have starved for it, slaved for it. I have preached it in my church each Sunday and all the country around. And I have struck a spark and I can build a fire to burn up all the old clutter and filth and shame that stands between man and his eternal revelation of God within him. But they always come to my study and say, a man is being put into bondage today, tomorrow; and I have to put by the task God meant me to do. Someone must resolve this question, Doctor, while I have a little time. Men shouldn't have to worry about this minimum of freedom in a country like this. We must all be free to strive for our maximum, the purpose of our lives.

They were down the hill now and on level ground. Fanny kept stepping out and they rolled along. Parker took his feet away from the dashboard and let them hang slackly on the floor and he let his body bounce, bounce, bounce, to shake the badness out of his lungs while he rinsed them again and again with deep, rib-straining draughts of the country air.

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When they finally got to the Grove at Framingham, the ceremonies were in progress and the crowd in attendance upon the speakers. About three thousand people stood in a great ring on the still-wet grass.

Parker was struck with a fine parable as he walked toward them. They were like a pod of whales described by a recent writer, a sea-going observer with a fine sense of the conscience of man. They were like a pod of whales in reverse, standing on a sea of grass, as cold in color as the Arctic seas.

The outer ring was composed of children, running and playing in stifled happy voices. In the next ring were their plump mothers, chatting and observing their young and the shape and skins of the other cows. And then, two by two, idled the young lovers, male and female moving away from each other and then closing in, clipping and kissing and furtively nuzzling. In dead center were the great long bulls, listening and nodding and slowly waving their flukes.

As he and Bowditch pushed through to the center, he drew the simile on, seeing them as warm animals in a cold climate, on the outside conforming to the others in shape and structure but filled inside with misfit entrails. Entrails ill adapted to the thick element surrounding them, entrails

that made them come reluctantly to the surface and ease the burden of their lungs in a great spurt of air that carried the water with it and betrayed their presence to their enemies. Not great killers of their own kind, but killed by man for the light and fragrance they give off after their life's blood has been let out and they are rendered down by fires of their own flesh's feeding.

When Parker got near enough to the platform, Garrison had stopped his speaking and had kindled a sacrificial fire on a huge pewter plate. Then he held high a paper. — This is Judge Loring's finding of the rendition, he said and he held it into the flame. The multitude cheered and few hissed. — This is Judge Curtis's charge to the jury, he cried, and he dipped it to be consumed in the flame. — And this, he cried, holding up a larger, yellower, more massive document, — is the Constitution of these United States. I consign it to the cleansing and destroying flame. So perishes the source and parent of all atrocities, a covenant with death and an agreement with hell! He held it high while it flamed between his tender fingers, holding it to the last and then dropping and crushing the curled carbon of its corpse under his foot. And the multitude cheered and cried, — Amen. — So perish all compromises with tyranny, and let the people say Amen.

And so for the second time that month, the second time in his life, the Amen stuck in Parker's throat. He looked about and heard the multitude roar on and he saw men there that hissed like a hundred snakes and he could not join with either of them again.

He looked at Dr. Bowditch who was applauding wildly and who had not stopped to take off his easy coat. — Amen, Amen, the good doctor was shouting.

The doctor looked suddenly at Parker and saw his despair. He stopped to rest his burning hands, seeking for something to say to take Parker's mind from what must have been an unintentional betrayal from the man he loved.

He saw a little, narrow-shouldered, Indian-faced kind of man rising on the platform to make an address. He poked Parker in the side, calling his attention to the next speaker.

— There, he has it on his face. The look I was telling you about this morning. He's another one of those chamber-dwellers, a fanatical student, living and breathing the dust of the books and the smell of the attic lamp.

Parker gave a short bitter laugh. He felt like saying, You couldn't be more wrong, my scientific friend. That is a neighbor of mine, a Concord man named Henry Thoreau, and he spends as much time in dusty attics

as a muskrat does. . . . But instead, he turned on his heel and began to work his way out of the crowd.

The doctor thought to follow him but then was arrested by the quiet indignation, not to say desperation, of the speaker before him.

— I lately attended a meeting of the citizens of Concord, said Henry, standing straight as an arrow, — expecting, as one among many, to speak on the subject of slavery in Massachusetts, but I was surprised and disappointed to find what had called my fellow townsmen together was the destiny of Nebraska and not of Massachusetts, and that what I had to say was entirely out of order. I had thought that the house was on fire and not the prairie, but though several of the citizens of Massachusetts are now in prison for attempting to rescue a slave from her own clutches, not one of the speakers at that meeting expressed regret for it, not one even referred to it. It was only the disposition of some wild lands a thousand miles off that appeared to concern them. There is not one slave in Nebraska; there are perhaps a million slaves in Massachusetts.

The doctor found himself rooted to the spot; he looked around, trying to see where Parker had got to. The speaker went on:

— They who have been bred in the school of politics fail now and always to face the facts. Their measures are half-measures and makeshifts merely. They put off the day of settlement indefinitely and meanwhile the debts accumulate among their faint resolves.

The doctor gave up joining Parker and bringing him back. . . . It's just as well he's not listening to this, he thought. . . . But I must stay on. Oh, what a pity that mark must lie on this young man's face.

Parker had elbowed his way almost to the outer ring but was now somewhat impeded by the congeries of females who had turned and begun to listen to the young speaker, whose earnestness and slenderness were scoring heavily on their affections. He stopped a moment and looked back, waiting for a clump of matrons to haul themselves up off the grass.

— I have lived for the last month . . . and I think every man in Massachusetts capable of the sentiment of patriotism must have had a similar experience . . . with a sense of having suffered a vast and indefinite loss. I did not at first know what ailed me. At last it occurred to me that what I had lost was a country.

Parker broke through at this and walked away. . . . Young Thoreau never had a country, he thought bitterly, or a sweetheart, or a wife or anything he could love with the affectional sense. In fact he had no affectional sense. Then he didn't know what he was talking about. Young Thoreau had a conscience but it was in his eye and he judged everything

by what he saw and nothing by what he felt. He didn't know that a man could love a whore and make her the mother of his children.

. . . As for Garrison, his conscience was in his head and was pulseless. He couldn't tell what time it was. The time would have to be told by someone without clear reason, without clear eyes. Someone who might say, I have a little lamb that has fallen in a ditch and I must save it.

Sometime after, the doctor went looking for Parker. Strolling under some oaks and by a little stream he saw a small graveyard, the ever-present one that stands by every place of jollity in New England like the coffin at an Egyptian feast. Sure enough, there was Parker sitting on a mound, chewing a blade of grass.

— You didn't get what you wanted, said the doctor.

— I'll do it myself if I'm indicted. I'll spend the whole summer writing a defense.

— What about the operation? What about the rest?

— Later.

The doctor pulled him to his feet. — Well, said the doctor, — I don't think anyone has really got what they wanted.

— He did, said Parker pointing at the gravestone. — Read it.

In joy sedate, in suffering much composed,  
Serenely through life and peaceful when it closed.  
Go live with God who called thee hence away,  
Go reign with him in everlasting day.  
These rites, this monument, this verse receive,  
'Tis all a wife, all a friend can give.

# THE SEVENTH ORDEAL

OF BEING REBUKED BY THE SUCCESS OF A FRIEND

*Should not the multitude of words be answered?  
And should a man full of talk be justified?  
Should thy boastings make men hold their peace?  
And when thou mockest, shall no man make thee ashamed?  
For thou sayest,—My doctrine is pure,  
And I am clean in thine eyes . . .  
But oh that God would speak,  
And open his lips against thee;  
And that he would show thee the secrets of wisdom,  
That it is manifold in effectual working!  
Know therefore that God exacteth of thee less than thine iniquity deserveth.*

ON THE FIRST Sunday after the fall elections, Ben summoned Asa Butman and Queeny to his office. The voting had proved a debacle to the Democrats and wiped out the Whig Party entirely. The Know-Nothings had swept the state and elected the Governor, their entire delegation to Congress, and the Legislature; which in turn had sent Henry Wilson to the United States Senate.

Ben meant to be sharp with them this morning, and he turned on them savagely as they sauntered through the door, creaking in their Sunday starchings.

— Gentlemen, do you suppose you could get your backsides out of the butter tub long enough to realize, comprehend or become aware of the fact that your country is in a war?

They stared at him with stupefaction. Asa murmured a *Jesus*.

— And that we have lost the first battle?

— Honest to God, Ben . . . said Asa.

— Ben, Ben, mimicked Hallet. — Not only have we lost the battle but your captain has had his chevrons shot off. Don't call me Ben, he roared.



— Yes, sir, Mr. Hallett, said Asa. — Where's the war? Cuba? Where, Ben?

— Right here, you cockeyed fool. In a routine election with the opposition whipped before a gun was fired, we've been swept out of office. Suddenly, overnight, there's a whole new government on the Hill. Isn't the war enough for you? You're not killed but you might lose your job and have to go to work; there's no choice there, is there, Butman?

— No, Mr. Hallett.

— Is there, Queeny?

— No, sir.

Ben was rather mollified by their gravity. — It looks bad for me too, he said. — It won't stop here, you know. This trick of theirs of printing up a ballot the night before the polls open and throwing it in could spread all over the country. They could do it in '56 nationally, and then where would the Party . . . where would the country be?

— How can we stop them? Ain't no law against secret 'lections.

— How you going to stop 'em, Asa? Drag them out into the light of day and show them as part of an armed conspiracy. No darkness or hocus-pocus can conceal an enemy if he's carrying a gun . . . a gun that's pointed at the heart of the Republic.

— Didn't know they was armed, said Asa, shaking his head.

— They were on the night of May twenty-sixth, when the whole thing began. The Burns case started this, you know. And the Burns case will finish them. This nation has sunk so low it will tolerate a secret party, but I don't think it will stomach its leaders bearing arms and shooting U.S. Marshals.

— Aw, Ben, said Asa wearily. — We tried that twice now.

— Not with the Judge's brother-in-law on the grand jury we didn't. Not with yours truly giving the law to the grand jury as I will this time. I want you to get up to Worcester and get a good look at every member of Higginson's infidel congregation. Then I want you to go to every gunsmith in town and describe every one of them to him, and see if he sold any firearms on the morning of May twenty-sixth. I'm going to present that jury with three witnesses. Mr. Asa Butman to tell them that Mr. Stowell or one of the other Worcester men came to Boston with a pistol and met with the speakers before the Faneuil Hall meeting and planned to attack and shoot to kill. And I'm going to prove connection with Nick Queeny's testimony of the conference held in Parker's home ten days later of the go-between Higginson and the speakers. My third

witness will be the corpse of one Batchelder with a bullet hole and a hunk of lead in his gizzard.

— Oh God, Ben, said Asa. — Can't you let the poor man's body rest in peace? It's shameful enough now the way they haven't done anything for the widow and all.

— I'm not going to bring the carcass in there, you clown. If you can prove possession of firearms on the Worcester men, I'll get an order to exhume, and we'll get a new coroner's report of death by bullet wounds. Now go down and get the Worcester train. I'm late for church as it is.

As the three of them got up to go, Nick Queeny said something in a low tone to Butman and Asa spoke up to Ben. — What about our expenses, Ben?

— Expenses! exploded Ben. — Now that's a fine one. Don't you ever get tired of putting your hand into the government's pocket? Here you are just back from an extensive sea voyage at government expense, from being wined and dined and lionized by the citizens of two great cities of the South, and you're worried about the fare to Worcester. The church will cost you nothing. It's called the Free Church of Worcester. You can go in for nothing and that's what you get there and you'll dine on a bucket of ale. You know I can't put any more expenses on the books for this affair. It's cost the government over thirty thousand as it stands, and we've got a civil suit coming up against the Marshal for injuries to a bystander. Good God, man, haven't you a particle of patriotic spirit in you? Are you going to exact tribute from your country in her hour of peril?

— We've got to have something for it, whined Asa. — How about a cash-on-delivery deal if we get the goods on 'em?

Ben shook his head. — Can't do anything officially, Asa, except the customary favors. But I'll tell you what I'll do personally for you. I've got over fifty dollars wagered that I'll put Parker under indictment, and I'll cut you in on half of it if you bring in the evidence.

— All right, Ben, if that's the best you can do, said Asa gloomily. — Good-by.

He started out, but Ben held him playfully by the shoulder. — Wait now, Asa. I'd like twenty-five dollars from you. There's two sides to a wager, you know.

— You want me to put up half of the stakes? asked Asa.

— Got to spend money to make it, chortled Ben as Asa fumbled in his pocket. Ben was annoyed to see that Nick wasn't joining in the fun.

— What have you got your back up about, Queeny? he asked.

— I can't see how this is going to stop the Know-Nothings, said Nick sourly. — We know for a fact that none of the men we want are members.

Ben, in one of his lightning changes of mood, put his hand on Nick's arm in a fatherly way. — It doesn't matter a hoot in hell if they are or not. If we say they are and get a conviction, it will be just as good.

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Queeny had never been on a train before, but Asa was an experienced traveler and he took great pleasure in showing Nick the luxuries of the Worcester train. — Let's git a seat up by the stove, he said, taking Nick's arm — so we can spit. These rigs travel too fast to make it out of the window.

After Nick had been properly impressed by the conductor's beaver hat, Asa offered him a chaw of his plug. — Take it before we start up. These cars are hitched together with a twelve-inch chain and when the engine starts up and the slack's took up, it's fit to drive your chaw down into your brisket.

Nick declined the offer and Asa began to expand and reminisce as the train got under way. The stove was stocked with hard wood against the October chill and hissed pleasantly under his skillful expectorations. — You put me in mind of a preacher I once knew. He got after me for spittin'. . . . That Viginia juice will kill you, son, says he. Who learnt you that habit? . . . My granddad, says I, aged ninety-six. Well, you'll have to leave the Sunday school, says he. It's abomination to the Lord. And don't come back till you've learned a verse of the Holy Book, he says. Well sir, I was a smart little nipper at that, 'long about eleven years old, so I had a go at my dear mother's Bible and I fetched up with this. Never forget it, said it to him and never went near the cussed church again. Here it is: John 9, 6. *Jesus spat on the ground, and made clay of the spittle, and he anointed the eyes of the blind man with the clay.*

Queeny hardly noticed what he was saying. He was fascinated by the flying landscape. He opened the window. He wanted to hold his hand out, like a child, and try to touch the trees as they flew by. But suddenly a tall stand of pines hurled themselves headlong at him and he ducked back inside the window in fright.

Asa laughed, nearly swallowing his cud, until Queeny recovered and turned savagely on him with the full force of his superior intelligence.

— We don't have to go around to every gunsmith in Worcester. If we get to the Free Church before the morning service is over, we can find

out if there's a gun dealer belonging there and that will be our man.

— And how are we going to find out who's the gun dealer?

— We'll ask. We'll say we want to buy one. We'll say we're carrying a lot of money and we've been followed by some suspicious-looking fellows and we want some protection before we go on to our business in Buffalo.

— You know that's very clever, Nick. Did that just come to you in a flash?

— No, I was planning it in the office while you were listening to the big bag of wind in there.

— I should have kept my mouth shut, too, said Asa. — I'm out of pocket twenty-five dollars.

— You'll get it back. I know we can prove the connection. These people are wide open. We've just got to mix with them at the meeting and we'll find out all we want to know.

— You'd better go in there, Nick. There's folks there that might know me and make trouble. Higginson knows me, and Thomas Drew.

— Oh, you can sit 'way at the back. It's a mongrel crowd like Parker's. All sorts of people come and go in there.

— You go, Nick.

— I can't go in there, Asa, said Nick. — You know that.

Asa thought for a moment, then said. — It's not a regular Protestant church, Nick. You'll be all right.

Nick shook his head. — No. It's worse.

That was why Asa Butman slunk furtively into one of the back pews of the Worcester Free Church near the end of the sermon.

Tom Higginson cut a handsome figure at his preaching desk. He possessed the two assets considered the peak of that classification by the ladies of the time: long legs and long hair. It was a plain little edifice wherein he taught, used as the Horticultural Hall in its secular life, without stained-glass windows and with Quakerlike architecture, and the sun came freely through the clear panes and touched his high head with radiance.

People came in and out unbeset by ritualistic constrictions, as they did in the Music Hall, and it was some time before Tom's eyes rested on Asa Butman who sat in a weird crouch on the back bench.

Tom slowly reached for the Bible, bringing his sermon to a measured conclusion. He turned it over to the cynical pages of Ecclesiastes. The congregation was puzzled at this departure from the order of the service and began to follow his frequent looks back to the stocky body of Asa,

who sat now with his head bent and covered by his hairy hands as if he were transported into the devoutest of prayers.

Tom began to read meaningfully from the text, after saying that he was moved to add a few more words to the scripture reading for the benefit of latecomers.

— *Be not rash with thy mouth and let not thine heart be hasty to utter anything before God, for God is in heaven and thou upon earth, therefore let thy words be few.*

Then Tom Drew started a whisper that the man so deep in his devotions was Asa Butman from Boston.

— *For a dream comes through the multitude of business and a fool's voice is known by multitude of words.*

By the time Higginson pronounced the benediction, every mouth in the church had closed with a snap and the congregation got ready to leave, bereft of the cheerful drone and buzz that usually comes after the end of Sunday worship. Butman stood quietly by an upright beam in a back corner but the people passed him without a word and all and sundry had their lips locked against him.

Nick Queeny, hovering meanwhile in the unsanctified and unpolluted region of the vestibule, had found out the name of the town's biggest gun merchant. It was as he thought, a member of this congregation. In fact, a deacon. He was pointed out to Nick, who accosted him as he left the church and made an engagement to buy a gun.

A little later the transaction was made, and Asa slipped the gun into his back pocket. This was a signal for the deacon's son to run to the City Marshal with a complaint that needed immediate investigation.

Before they had got two streets away from the shop Lovell Baker, the City Marshal, accosted them, searched through Asa's pockets and put him under arrest for carrying concealed weapons, contrary to a city ordinance. Nick managed to saunter away up through an alley during the search and left Asa to face his trials alone.

Asa thought it was remarkable that the officer had to make so many twists and turns and go up and down so many streets to get him over to the City Hall. Every time they turned a corner, it seemed as if they were engulfed by people coming out of some church or other. Asa was a little thankful when they reached City Hall and got behind the big door. He demanded a hearing and offered to pay his fine at once. Lovell Baker shook his head in indignation and said he could not summon the police magistrate to examine him on the Sabbath and take the man away from

his family on the holy day. He put Asa in the lockup in the cellar and closed the door with an angry slam. — First thing Monday morning, sir, Baker said. — We don't believe in breaking the Sabbath here. This isn't Boston, you know.

The good people of Worcester had a two-point sequence for their Sunday afternoon stroll. The day was the best of the hoard of Indian summer and they made the most of it. First they walked by the City Jail, skirting the knots of hard-faced men standing watch over the confinement of the invader from Boston, and then they went up the hill to Higginson's house to catch a glimpse of the hunted.

Higginson was fully aware of his duty in this regard and lounged gracefully on his front stoop, waving cordially to the family groups who passed on the other side of the street. They bowed and waved back, moved to a tribute by his courage, but kept at a distance by his notoriety. Mary sat there with him in her rocking chair, dressed in her best black silk, looking down with great absorption at her embroidering hoop when some of the observers lingered and stared with the vulgar intensity accorded a pair of side-show freaks at Barnum's.

Higginson sighed nervously as he caught sight of four young ladies, brazenly dressed in bloomers and middy blouses and carrying long oars like muskets across their shoulders. They were members of a female boating club he had organized to cruise a nearby lake. It had been pleasant on summer afternoons to sit as helmsman in a four-oared craft with no heavier piloting responsibilities than to keep steady as she goes across the water-lily reefs. At the same time he felt it a demonstration of women's foolishly despised aptitude for courage, resourcefulness, physical culture and ability, as keen as any man's, to pull together toward a goal. But they did look strange up here on the hill and their legs were either too thick or too thin and the Sunday promenaders were looking at them with churlish or ill-concealed amusement.

— Oh Lord, said Mary, — here come the girls. I hope they're not going to mount guard over you with oars akimbo.

— I don't recall ever seeing that position in any manual of arms, said Higginson, — but I don't doubt that if it were possible to get Butman's head on the end of an oar, it would be carried by Priscilla, that's the stocky one, with great aplomb.

— It seems to me she needs all the aplomb she has to carry her own head along in such a costume, on this street, on a Sunday afternoon.

— Now, that's not like you, Mary. You know and have always applauded what these girls stand for.



— I grant them their right to be amazons but why do they have to be so conspicuously amphibious?

— Perhaps they are awkward and out of place at the moment, but I'm sure that they mean no more than to perform some harmless, callow tribute to me. It's their way of taking a stand with us, Mary. When I look at them I can see only that Priscilla, who came to me two years ago a weak semi-invalid, scarcely able to stand erect, now has a bust and arms fit for a study by a sculptor.

— Yes, said Mary acidly, — and her legs a lesson in proportion for Chickering the piano maker.

Higginson was unable to dilute this acid, for the girls were now resolutely crossing the street in front of the house and they did indeed come up to the walk and stand, two on each side, with backs like ramrods and oars held like pikes before them. Their eyes were red-rimmed, their noses tipped with crimson, and when Priscilla, who had been chosen spokeswoman, went to speak, her chin trembled and nothing came out of her open mouth.

He got up and stepped gracefully to Priscilla, resting a friendly hand upon her shoulder. She fairly quivered with emotion and two great tears trickled down her round cheeks.

— It's nice to see you girls, he said. — Now why don't you rest on your oars a bit, as it were?

With military precision the girls transferred the big oars to their right hands, spread their legs slightly apart and stood in the position of *At Ease*. Across the street they were being watched with great interest by the passers-by who expected at any moment to see them go into an elaborate drill and free exhibition.

Mary looked at her embroidery hoop as if she wished it were a pool in which to dive to oblivion. Higginson glanced anxiously at the crowd beginning to collect and said, — No, girls, I mean rest your oars. Put them down on the grass. You must be tired from carrying them up the hill.

Somewhat reluctantly they laid the long lengths on the lawn and then stood again, looking at him out of cows' eyes. — I remember now that this was to be our last day on the lake, wasn't it? he said.

— Yes, said Priscilla, biting her lip.

— I hadn't forgotten it, really, but I didn't like to leave Mrs. Higginson this afternoon. You're old enough to know that there is a faint shadow of trouble resting on this dear house and we're a little afraid it may turn into a thundercloud.

Tears formed in Priscilla's eyes again.



— Come, come, Priscilla, that's no way to cheer us up. I can see the cloud leaking already, right over your head.

He turned to the others. — Now girls, no matter what happens I want you to go on with your gymnastics. I have arranged to get some dumbbells, bean bags and Indian clubs for the church so that you can continue through the winter. Don't forget, you are pioneers in a great cause. You are leading the vanguard of one half of the entire human race. And don't neglect your brisk walks in the outdoors.

One of the girls timidly raised her hand as if she were in school.

— Yes? asked Higginson.

— Mr. Higginson . . . ah . . . who is going to be our teacher?

— I will continue to, I hope, but it's possible this great slavocracy might have other plans. In that case, perhaps Mrs. Higginson may.

— Oh, would you, ma'am? said the girl and all but Priscilla went quickly up the stairs to Mary.

Mary stood up shakily, her face lye-white. With a trembling movement she laid her sewing on the chair, straightened up and looked daggers at her husband.

He plunged on, — I have been telling her, when I catch her looking a little enviously at a pair of red cheeks, that they are merely oxygen in another form and she can get them where the roses get them, out of doors. . . .

— You are quite incorrect, Wentworth, said Mary coldly. — Roses get all of their characteristics by remaining in their beds. Furthermore, I have been taught never to judge people by their color. Excuse me, girls. Thank you for calling. I have a slight headache and must retire. With that she walked slowly into the house.

\* \* \* \* \*

Higginson got rid of the girls as quickly as he could and then went into his parlor with a feeling of dread. Mary was sitting quietly in a chair with the curtains drawn, looking at nothing. He paced up and down a few times, kicking symbolically at the flowers on the carpet. — Please, Mary. Have I said anything to hurt you?

— Of course you have, Wentworth.

— Not intentionally, dear. You know I wouldn't . . .

— Yes, it was intentionally. But not to hurt me: to help me, as you no doubt assumed.

— What else do I ever think of, said Higginson gloomily.

— Well, you think of me leading some women's crusade against long

skirts, corsets and conventions from time to time, don't you? I have thought up to now that you were resigned to my weaknesses and futilities but you're not, are you?

— I am not resigned to anything, Mary, except my own tactlessness and that I can never forgive.

— I have never found you tactless before. Or rather I have never thought you tactless before. I know how desperately you want children but you have never hurt me by revealing that desperation. But now, all this talk about women's health, and their mission, all these bouncing essays in the *Atlantic*, the oxygen of rosy cheeks, the busts you have developed for the edification of sculptors . . . There must be something behind it. Is it all a monstrous hint that I am proving a sadly inadequate wife to you?

— Of course not. I have a purpose in my writing but it's a selfless one and has no reference to what is expected of you.

— I don't need such hints, Wentworth. I know what's expected of me. After all, I am a Channing, the daughter of a progressive doctor, the niece of a great reformer, the sister of a radical poet and the wife of a revolutionary agitator. Isn't it a wonder and a pity that I, as well as Ann Phillips and Lydia Parker, should turn out to be such a weak and vaporous female? I am sure many people consider us false, even adulterous to our husbands' ideals. But don't you realize, Wentworth, that we are what we are in order not to conform? Can't you see we're having our own little rebellion against what is expected of us? Haven't you enough women to make free, or mold or develop their busts or whatever you want to do with them?

Higginson stared at her in amazement. He had never heard her in this vein before. He had scarcely heard her raise her voice above a whimper; and strangely enough she wasn't doing it now, but everything she said had the effect of having been shouted in anger, and yet there was no anger, or even passion apparent. Most of the plain speaking in this family had been done during her frequent visits by his matriarch of a mother, while soft little Mary had sat wide-eyed in tremulous silence, holding a purple vial of smelling salts in a blue-veined hand.

Now she sat wide-eyed, her posture the same, even to the smelling salts, but her straight black eyebrows were raised in bold arcs, her pupils were like little gray coves of pond ice with air holes into the black waters beneath. Her mouth, with its straight, dark lavender, unmoving upper lip, had shaken off irresolute softness and was rolling out, over the full, scrolling lower lip, a text too heavy for her thin, flat soprano so that it

broke at intervals through the long sentences and gave them the many-edged impact power of shattered glass.

He could not look at her any more without the most intense embarrassment. He tried to pitch his voice softly in reply so as to match this amazing show of strength, but his preacher's baritone hadn't her quality of brittle restraint and it came through with false intonations of injured innocence over choked rage.

— Mary, I don't understand you at this moment. I can only think that you are ill and should be put to bed. I have never urged you to join the Anti-slavery Society, the Woman's Rights Movement, the Temperance Movement or anything else that would put a tax on your delicate health. How can you say these things to me?

— You wanted me to lead those horrid girls, and in that I could see all the things you have kept back for years. It was so absurd of you to ask me to start worrying about bean bags and dumbbells. So shallow of you to think they would accept me for you. But then, it takes a woman to see beyond a schoolgirl crush.

— I only thought it might be good for you to get away from this house for a while in case I am to be put away. I don't like to see you everlastingly tied down to three hot meals a day and a best parlor with a hair-cloth sofa and a photograph book.

— I love my best parlor, Wentworth, and my photograph book. I pray God every morning for the strength to give my man a hot meal. Someday you'll realize what I am doing for you by surrounding you with some semblance of conventional rationality. I wouldn't for the world be like Lucy Stone. You know what she said to me the other day, in cold blood, Wentworth? She said it would be a blessing to the cause if you were hanged.

— She didn't mean it, Mary. She's a great woman. And so are Abby Kelley and Maria Chapman.

— Thank God I'm an ordinary woman with the foresight to get a man to be my greatness for me. Lydia Parker says the same. Theodore Parker wouldn't change his meek little wife for Catherine of Russia . . . or even Julia Ward Howe.

Higginson sat down and looked sadly at the crease in his trousers. Then he said hopelessly, — I sometimes forget how patronizing it is to tell people what they already know. But it's not all pedantry. I want you to be happy. I want you to participate in all parts of my life. I want you to be healthy. You have a nice body. I can't understand why it can't be as quick and flashing as your mind.

— The doctor said I have a condition of the relaxing and softening of the muscles. I don't know what it means but I must accept it. It's not because I'm afraid, Wentworth, to compete with your amazons and feather my oars and your cap at the same time.

Higginson buried his face in his hands. He could think of nothing else to say.

Mary crossed to him and pulled his head back with one hand twined gently in his hair. She settled herself into his lap and waved the smelling salts under his nose until his eyes began to smart. He pushed her hand away. The vial dropped to the carpet and he kicked it out of sight into a corner.

— Wentworth, King Solomon said the wisest thing ever about all humans . . . *Vanity, vanity, all is vanity*. You're a vain man, dear. It's perhaps your most lovable trait. Now just think of what's going to happen to these men who married great women. No one will remember who married Abby Kelley. Lucy Stone won't even carry her husband's name. And Dr. Howe, perhaps the world's greatest humanitarian, first teacher of the blind and deaf, will forever be buried behind one or two poems of Julia Ward Howe.

— I love this little parlor, Mary, said Higginson, — photograph book and all. Do you suppose someday we could afford a small piano?

— In that case we'll compromise, dear, and I'll come to church Sunday in bloomers and smoking a big, black pipe.

\* \* \* \* \*

The next morning, Higginson couldn't resist going down to the City Hall to play cat-and-mouse with the rest. The area outside the door was full of the yeomen of Worcester. There were heated discussions among them as to whether Butman had come up to secure witnesses or snare fugitives. Higginson tried to hold himself aloof from the controversy which was on the question of whether to run Asa out of town on a rail or to be merciful and leave him to rot in jail a spell.

Some of the men had stayed there all night. Marshal Baker went home as usual but when he got back in the morning, he saw that his problem of the day was not how he was going to keep Asa in, but how to keep the crowd out. He decided to send for his lawyer, a young Free-soiler named Hoar, and when he came showed him at once to the cell where Asa was actually cowering and terror-stricken.

George Hoar was a Concord boy much respected in town because he

had chosen Worcester to practice law in, despite his family's great reputation and following in Boston.

Hoar advised him to bring Asa up and settle the charge against him while he went out on the steps to talk to the mob.

Hoar's own father and sister had once figured in a famous incident in the South, and had been driven by a mob from South Carolina, to which his father had traveled years ago in order to defend some Massachusetts Negro seamen who were held there as slaves.

— Let us not, he begged, — give South Carolina the right to excuse their own conduct by reciting the behavior of the people of Worcester.

This set well with the crowd and a voice cried, — All right, all right, but Butman must promise never to set foot here again!

Young Hoar did not think it wise to put any conditions on Butman's delivery, so he would not answer; but Asa, who had been compelled by his morbid curiosity to stick his nose through a crack in the door, shouted, — Yes! Yes! in such ringing tones that the crowd set up a great laugh and it seemed to provide enough of a lull in their high spirits to bring the culprit forth.

Tom Higginson came forward and took Asa's shrinking arm and George Hoar took the other and the long walk to the Boston train began. The station was a small wooden building a half-mile from the City Hall, and there were at least two thousand people swarming around the unhappy Asa. The free Negroes of Worcester, who had put out the leaflet about Asa being a slave catcher, were particularly irate. They had decided to kill him. Higginson had to fend them off with his free hand and could not prevent a few good kicks from being bestowed in the swaying and surging of the crowd, and once Asa was knocked to the ground by a huge blow in the back from a Negro who had a cobblestone in his hands. Both George Hoar and Tom had to dodge rocks and garbage coming from all directions, and their trial was almost as great as Asa's.

Directly in back of Butman walked the famous Joseph Howland, a man who had been persecuted for years because of his long flowing beard. He was a Garrisonian Nonresistant, and turned around to shake his finger at the crowd at regular intervals and shout in his bull-like voice, — Don't hurt him, mean as he is. Don't kill him, mean though he may be.

The greatest trouble the escort had came from Tom Drew. After nudging the Negroes and others back with reproving looks, he would cut loose and kick Butman heartily in the breeches. Higginson and Hoar exchanged somewhat disgusted looks at this levity, but Drew did it in such a sprightly, jaunty way that the crowd gave up some of their

anger to laugh and saw Asa as a ridiculous instead of a sinister figure. Afterwards, Higginson and George agreed that Asa was probably saved from a rope by those kicks in the pants.

The train was standing in the station when they got there and the crowd was fairly quiet. But before they could haul Asa up onto the car step, the train moved away and left them stranded.

The crowd's temper seemed to change in an instant and some of the Negroes said it was a sign from the Lord, that Asa was to be punished indeed, and they began to press heavily. George and Tom hurled Asa into a carriage standing nearby and Tom began to agitate the horse. But the owner of the rig came on the scene, held the horse's head and demanded with great indignation that they get the hell out.

There was a hack standing nearby and they hoisted Asa into it and Tom got the horse going and they galloped wildly through the mob. One window was smashed with rocks and the broken glass cut both George and Tom but Asa escaped unscathed. He was curled up on the floor under a buffalo rug.

— Faster! Faster! shrieked Asa and Tom whipped the horse on down the road. Tom shouted that he was only going to drive him as far as a way station two or three miles out of town and put him on the Boston train. Asa begged him not to, saying that if they waited a half-moment at a station, the mob would get another train down from Worcester and kill him.

Tom pretended not to hear his wild pleading and Asa got up off the floor and threw off the rug to make his urgings plain. Here Higginson took advantage of the situation and preached him a notable Abolitionist sermon to the clatter of the hooves. Asa's head wagged up and down in agreement as constant as the hoofbeats.

But suddenly his attention was diverted by the approach of a faster team from the rear. It had been just this that Asa had feared the most and he seized the door of the hack, so frenzied that he stood ready to jump. Tom slowed down at this, alarmed at his wild intentions, and the pursuing carriage came abreast of them.

— It's Marshal Baker, said George, recognizing him.

— My God! shrieked Asa. — What now? What the hell does he want now? He dove for the buffalo robe again.

— I thought you were going to put him on the train? Lovell Baker said. — You're not going to drive him all the way to Boston, are you?

Butman got up again and staggered out of the hack into the road. — I'm not going to get on any train, he said. — I'd rather walk.

Baker shrugged and went back to his carriage.

— You drive me, Marshal, Butman pleaded, pulling him by the sleeve.  
— You owe me safe-conduct to Boston. I've paid my fine.

— Well, said Baker. — I suppose it would be a gesture of professional courtesy, but it's hard for me to admit that I'm in the same business as a miserable critter like you.

Butman, scrambling into the Marshal's carriage, took up the whip and fetched the horses a great lick across their sweating rumps, and they were off again.

Higginson watched them gallop away with great elation. He was tempted to follow them into Boston and be the first to tell Theodore Parker that he was wrong about the Worcester men: they did have boldness and unity. They could drive off kidnapers, storm courthouses, and they should not share the blame for the fiasco at Faneuil Hall.



# THE EIGHTH ORDEAL

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## OF THE DIVISION AMONG FRIENDS

*I have trodden the winepress alone;  
And of the people there was none with me:  
For I will tread them in mine anger,  
And trample them in my fury;  
And their blood shall be sprinkled upon my garments,  
And I will stain all my raiment.  
For the day of vengeance is in mine heart,  
And the year of my redeemed is come.*

ON THE DAY before Thanksgiving, a little after eight in the morning, Parker heard a rap on his door. He answered it and admitted a sheepish-looking man who gave no muscular response whatsoever to his handclasp.

— Are you Mr. Theodore Parker?

— Yes, Parker said, mystified by the man's solemnity.

— I've come to speak to you on business.

— Then come upstairs to my study. Parker led him to the third floor and told him to take a seat. The man remained standing, however, and seemed acutely uncomfortable.

— Mr. Parker, I have some very disagreeable business to do. I've come to arrest you, he blurted.

— Is that all? Parker said. — Sit down, sit down. I won't jump out of the window.

The man sat awkwardly and looked steadily at his hat. He didn't seem to know just what to say next.

— In the United States Circuit Court, I suppose?

— Yes, sir.

— Have you got the warrant with you?

— Yes, sir.

— Let me have a look at it, Parker said and the man handed it over to him.

Parker read it over quickly, half aloud to get the weight of its legalism, and then handed it back. — Well, what do you want me to do? he asked.

— Shall I go down to the Courthouse?

— No. But if you'd go down to the Marshal's office at ten o'clock . . .

— Certainly. Where is it?

— On the first floor.

Parker smiled. — Oh yes, to the right of the side door. I remember it very well now that you speak of it.

The man didn't know what he was driving at but he nodded and then said hopefully, — I suppose you'll have bail, sir.

— Oh yes, I have four or five people interested in providing surety.

— One will be enough, sir. If he is a real-estate holder.

— Yes, I know. But this is a great occasion, officer, and several persons have asked the privilege of being my bail. We expected this, you know.

— Very well, said the man, smiling unhappily.

Parker took him by the arm and conducted him politely down the stairs.

— This is a disagreeable business, Mr. Parker.

— I have no doubt of it. I had expected Asa Butman to perform this ceremony, but I am, nevertheless, much obliged to you for the pleasant gentlemanly way in which you have performed your duty.

— Oh, thank you. I'm a special constable, sir. I never serve warrants in low places.

— Thanks for the compliment and good morning to you, Special Constable. Tell Watson I shall see him on the tick of ten.

Lydia was appalled by the lightness and levity with which he announced the event. She went out rather tearfully to get Mr. Manley, Mr. May and the other bondsmen to come to the Courthouse at the required time.

Parker dropped in with elaborate casualness on Charles Ellis at the Old State House and then went in due time to the Marshal's office.

Watson Freeman wasn't there. Parker was told to report to the Circuit Courtroom upstairs.

The room was empty except for a clerk and the Marshal and the two judges, Curtis and Peleg Sprague, on the bench. Parker walked in with a bit of a swagger. Ellis told him to sit off to one side while he went over to the judges. Parker could not hear what they were saying. It struck him as a moment completely unlike the one he had pictured for the occasion.

Finally old Judge Sprague spoke out to the clerk.

— I set bail at fifteen hundred dollars for appearance before this court at ten A.M. the first Monday in March, on the charge of riot.

After a few more minutes of whispering Charles Ellis came back to Parker.

— Can I go now? asked Parker in a loud voice. — What on earth was all that whispering about? I thought you were selling me out up there.

— Sh, cautioned Ellis.

— The date for the trial is perfect, said Parker heartily. — The anniversary of the Boston Massacre.

Ellis steered him hastily through the courtroom door.

Judge Sprague banged his gavel. — Court adjourned, he said.

The clerk and Watson left. The courtroom was quiet. Judge Sprague got up and stretched.

— I suppose we'll have to put a new date for the trial.

— No, said Justice Curtis gloomily. — I refuse to be afraid of the man.

— I know how you feel, said Judge Sprague, — but he'll make game of it.

— Would you mind staying here a moment or two, Peleg? asked Curtis.

— I have something I want to discuss with you.

— No, no. I'm in no hurry. I expected you to open a bottle of wine over this indictment. You've worked hard enough on it.

Judge Sprague sat again. Curtis got up and walked off the platform and stepped to the front of the bench. He laid his hand on the bench and looked up at the old judge.

— This is no occasion for rejoicing, I'm afraid, said Curtis in a subdued tone. — I think our troubles are just beginning with that man. You know, Peleg, I've always thought that it was a mistake to have Supreme Court justices sit on Circuit. Now this is your courtroom, actually, and yet I have to sit up there with you and share the responsibility.

— Share it, hell, said Sprague. — You outrank me.

— That is why I think there should be three of us so that there could be a majority decision on all points.

— Get to it, Justice, what's on your mind? said Sprague dryly.

— I think there should be complete unanimity between us on the conduct of the trial. We must preserve clear agreement at all times.

— What on earth is there to disagree about? We've both sat on hundreds of trials. The law is the law. A lawyer is a lawyer.

— But Parker is Parker, and I've just heard that he's going to present his own summary to the jury. You know, of course, what that means; we must prepare to listen to a torrent of personal abuse of a magistrate from a man

who stands indicted in the Court over which that magistrate presides. He will use every coarse trick in his repertoire to force the jury to applaud a man who openly avows himself to be devoted to the destruction of his country.

— Not in my court he won't, said Judge Sprague. His mouth was pursed; he had no teeth to set his jaw with. — I'll cite him for contempt in jig time. And he'll get more than a year out of it.

— No, no. That's the last thing in the world we must do. He wants us to meet him head-on in just that way so he can cry persecution and prejudice and turn the thing into grand farce.

— Now don't ask me to sit here and take water from him. I know what to expect. He's already told everybody that I crawled for my office and jump whenever they crack the whip in Washington. I won't take his lip, damned if I will. I'll commit him before the jury sees the whites of his eyes.

— Then the case will be lost, like the Shadrach case.

Judge Sprague glared down at his colleague. — Are you hinting sir, that my conduct was wrong during the Shadrach case?

— I'm afraid it was, sir. You were most intemperate. You flew at the defendants and berated them unmercifully. You were overvehement, sir. Juries resent it from a judge. You must be calm. A trial must not look political, even if it is.

Old Judge Sprague sat violently back in his chair. He had two long hanks of yellow-white hair running from his temple to a thick projecting curl back of each ear. In repose, they looked like ram's horns and he like the bellwether of the flock. But in his anger, his earlocks broke away and hung down over his ears like a witch's.

— I may be vehement in the discharge of my sworn duties, Mr. Justice Curtis, he said in a trembling voice. — But I have never had the temerity to get my own brother-in-law on the grand jury, as you with Willy Greenough, so as to avenge an insult to my family.

The two judges stared angrily at one another. Finally Curtis spoke in the most conciliating tone he could muster.

— I'm sorry to have offended you, Judge Sprague, but perhaps this is the best way possible to demonstrate how this man can set not only us but the entire country at sixes and sevens. Believe me, this is not a grudge fight with me. I have a higher purpose behind it all, one which would excuse any amount of relatives on grand juries. I know enough of the geology of this state to find where the hardpan lies; and if we do not get to it, and make use of men like Greenough and others of our own class, this coun-

try will never get out of the mud. I intend, through the evidence and conduct of this trial, to establish that any combined and forcible attempt to resist the execution of a Federal law is treason. I think this signification will dissolve more factions and put down more fanatics than all the troops in the forts and all the Navy Yards at our command.

Judge Sprague deliberately pushed his hair back of his huge red ears and stood for a moment looking in disgust at his colleague. Finally he said: — The Constitution of the United States says treason shall consist only of levying war against them.

— That phrase is obsolete and was merely put in because of the condition of the country at the time the document was written.

Judge Sprague stepped down from the platform and began to walk to his chambers. Curtis saw that he was still deeply resentful and offended. Sprague turned at the door. — I think the people are the ones to settle that question, Mr. Justice Curtis. It's their document.

— They won't have it much longer if they continue listening without indignation to the grossest charges against those who administer the judicial power.

Judge Sprague stepped through the door without answering. Curtis tagged after him, feeling sorry for himself. He got the old man's coat and held it for him. — Don't let this incident ruin our long friendship, I beg of you. I can't tell you how upset I am about this trial. If I could find some honorable retreat from my post, I would take it. What shall I do, Peleg? What shall I do?

— If that's the way you feel about it, I see only one course open for you, said Peleg.

— And what is that, dear friend?

— Plead guilty and throw yourself on the mercy of the defendant.

\* \* \* \* \*

It was unseasonably warm that December and the sun streamed in a flood through the broad windows of the in-town office of Dr. Howe on Bromfield Street. The doctor had suggested that Phillips and Higginson, arraigned that morning as Parker was a week before, meet him there, instead of in the public glare of a lawyer's office, to discuss a common defense. He had asked Parker to come a little before the others. He had something very bitter and embarrassing to have out with him. He heard a running, heavy step on the stairs and knew at once who it was. Parker burst in, his overcoat swinging open from his shoulders and his slouch hat, which he stubbornly clung to while the rest of the men of his class wore

stovepipes, was tilted far back on his bald head. Under his arm he had a mass of manuscripts, four inches thick and tied up with a piece of rope. With a sign of relief, he plumped it onto the doctor's desk.

— What on earth is all that? asked the doctor.

— That's my brief. I've been working on it since last summer.

The doctor turned back one or two pages. — I can't even read it. Hadn't you better have someone copy it out for you?

— I'm going to have it printed up. I'm going to drop it off today and get an early start. Jock Metcalf, Mussey's head printer, is always making me recopy a page here and there. This is the only way I can keep ahead of him. He says he should get double pay.

— Sit down. I've got something very awkward to discuss with you.

Parker flung himself down on one of two horsehair sofas that stood at right angles to the desk. He rubbed his buttocks gingerly. — When are you going to get rid of these implements of torture, Chev? A hair shirt operates on a less vulnerable area and has the added charm of making saints out of its wearers.

— There's a hair shirt being cut out for you that you'll be wearing soon enough, I'm afraid. Did you know that there is a rumor around that you had an agreement in writing with Higginson to back him up at the Courthouse that night and that you deliberately let him down?

— I've heard a little about it. John Swift started it. It's mostly around Worcester way.

— Then we must put a stop to it before it gets any further, said the doctor indignantly. — This is no light matter. Now don't you think you should give some sort of explanation to Higginson and have him issue a letter or something denying it?

— What? Young Tom Higginson? Do you think I owe him an explanation? That would be only pouring oil on the fire. Besides Tom will deny it anyway. He knows it isn't true.

Dr. Howe got up from his desk and went to where Parker was half reclining. He put his hands on his hips and thrust out the point of his beard. — Higginson himself is pouring oil on the fire. He's telling everyone that the attack could have been successful if the speakers at the Hall had been on their toes.

— That's ridiculous, Parker said, trying to hold down an excitement that was beginning to grip him. — The passageways were full of armed men, Tom and the others would have been shot like fish in a barrel.

— Then have it out with him and stop this rumor-mongering.

— I admit I owe an explanation to Wendell. I let him go on talking

down the excitement, pouring abuse on the volunteers and all in ignorance of what he was doing. If I had only caught him by the sleeve and stopped him.

— I should have. I knew about the plan being changed.

Parker shook his head sadly. — No, it was my responsibility. He's being attacked in the rumor too, Chev. It's truly my hair shirt. I've been wearing it since that night. I don't know whatever possessed me. I've made all sorts of explanations to myself. My absentmindedness, the fact that before I make a speech I scarcely hear what anyone says around me. But it all adds up to the same thing. I must have been afraid.

— You were sick, you were sick, said the doctor, sitting impulsively on the sofa. — Let me tell Tom that and make it known.

— No, no, said Parker getting up. — Don't start that around. I would rather be thought a coward once than a sick man unable to do his job from now on. Let it stand the way it is.

He went to the desk and banged his fist on the manuscript. — I'll make it up to them another way. This will return good for evil.

— Just let a few people in Worcester know about it.

— They wouldn't believe it. I read a resolution for the removal of Judge Loring at the Founding Convention of the Republican Party in Worcester over three months ago. People said I never looked better in my life.

Dr. Howe got up and went back to his desk. He looked at Parker and sighed at the two tell-tale spots of fiery color on his cheekbones. — You do look better than Judge Loring, he said. — I saw him the other day and he told me he had lost all interest in life. Said as much as that but for the children he would be glad to slip away. See what you've done with your petitions against him.

— And who wrote to me and asked me to start the petition, Doctor? But if you insist, I'm willing to forgive him and not go before the legislature and ask for his removal. If that is how he is talking he's dead already. He's dead to this case anyway. Justice Curtis is the Slave Judge now.

— No, no, Loring must go. I have talked with him and he has written me a letter. He is not sorry for what he has done. He is hard and heartless. He has not repented in the least.

There were some more steps coming up the stairs; two were grave, one was gay. Tom Higginson came first into the room. He was attired in a new gray coat with a military cut to it, half-capes on the back and pinch-waisted. On his head was a fur-trimmed cap of gray to match. He looked most unclerical in appearance. Wendell Phillips and Charles Ellis followed behind him. Tom went at once to Parker and shook him effusively by the



hand. Dr. Howe watched him out of the corner of his eye. He saw Parker drop his eyes a bit, but Tom smiled gaily and began to prattle about his appearance before the court. — I almost laughed in Justice Curtis's face. While I stood before him to hear about my indictment, my pockets were bursting with petitions to have his brother-in-law removed from the bench.

He unbuttoned his coat and pulled out a sheaf of petitions and laid them on the desk. — There's over three thousand signatures on these, Mr. Parker. Every one of them from Worcester and its environs. And a lot of them came from that magnificent presentation you gave before the Republican Convention. Although I must say I think I did better the time I drove Asa Butman away from the riot in the hack. I'd have given anything to have you concealed somewhere behind the cushions to hear the Abolition sermon I preached on that occasion.

He threw back his coat and looked around for laughs.

— Poor Asa had a rough time in Worcester, didn't he? said Phillips.

— That he did, and I for one am very happy about it. That seems to prove that the spirit of Worcester was not to blame for the failure at the Courthouse.

Dr. Howe saw Parker wince. Higginson looked at Parker's manuscript on the desk. — What's this? Have you started your book at last, Mr. Parker? I can recognize your penmanship at once, but it will take a little longer to guess at the text.

— You should be willing to break any shell to get at such meat, said Phillips.

— That egg will hatch out a chick to swallow the worm of dogma and destroy it forever, said Tom archly. — We've been waiting a long time for this. He picked it up and began to study it.

Parker gently took it away from him. — It's not a book, Tom.

— Surely it's not a speech! Hasn't Mr. Phillips taught you yet that the smallest bit of paper in view is fatal to the audience? He's got me so I don't dare write a line.

Charles Ellis cleared his throat. Howe motioned for them to sit down, and Ellis took up his position behind the desk and began to study some notes. He began to speak presently about the conduct of the case. He explained that the indictments handed down in the District Court had been dropped and that the trial had been transferred to the Circuit Court because it had been impossible to get a lower court to hand down an indictment connecting the Faneuil Hall meeting with the rioters. He also noted dryly that George Sanger had been made a judge and he would have sat on a case he himself had prepared as a prosecutor.

— I'm awfully glad to hear George got kicked upstairs, said Higginson. — He was most courteous to me when I was arraigned last July. He insisted nothing should prevent my getting home in time for my sermon. Although I must admit it wasn't very pleasant for Martin Stowell to be locked up for murder all that time, in the heat and all. But that's all over and past. You knew, of course, that Richard Dana came with me to the Court so as to prevent me from making any damaging statements? Wasn't that nice of him?

— That's all over and past, growled Parker.

— Pardon me, said Higginson. — Isn't Dana going to be one of our lawyers? I would have tried to engage him myself but I thought he was already spoken for.

— Dana, said Wendell Phillips, — has turned his back on us. He is now preparing to defend Judge Loring before the Legislature.

— Judge Loring hired Dana? asked Higginson, wide-eyed.

— Oh no, said Phillips. — He's volunteered. He's worried now about the sanctity of the courts. He's going to give me the lie.

Higginson looked extremely chapfallen. — But that is incredible, I can't believe it. Why doesn't somebody go and talk with him?

— I talked to him years ago, said Parker. — He's a conservative. He told me Garrison was a socialist and infidel. We expected this.

Higginson subsided into a puzzled silence. Ellis went on with the discussion. He said that the other men who were indicted, Proudman, Morrison, Cluer and Stowell, were supplied with legal aid at no expense, but that it was imperative that there should be no public contact between the two groups so that the government would have as much trouble as possible proving connection. He named off the lawyers: — William L. Burt, John A. Andrew and H. F. Durant. And myself and Congressman Hale, for Mr. Parker.

— I don't understand this, said Higginson. — Mr. Parker is having two, and the remaining six defendants have only three lawyers between them.

— The reason for that, said Ellis, — is that Parker is going to present his own defense and needs twice as many lawyers than anyone else to save his neck.

Everyone laughed at this, including Parker. Ellis gave the manuscript on the desk a flip. — Here it is.

Parker got up and stood for a moment at the desk. He fingered the papers and then said, — This isn't my defense exactly, it's just a few chalk lines I've laid out to aid us all. I've divided it roughly into three sections.

One is the encroachment of a power hostile to democratic institutions. This develops the argument that slavery is the plaintiff in the case and freedom the defendant. The second is on the corruption of the judiciary by political power. We can run that back to the Stuart times in England. The third is on the great safeguard of democracy and the rights of man, trial by jury. Now if you want to divide this up between us, you could take the first, Tom, Wendell the history of the judiciary, and I the last . . .

He paused a moment, looking at them questioningly. There was a very awkward silence lying upon his colleagues. — I'm having it printed, Tom, so you don't have to worry about my bad penmanship.

— We're not going to be there, blurted Tom. — We're not going to be at the trial.

Parker shook his head as if he had been smacked in the face. — Not going to be there? But you've got to be there. You're a defendant. What about that? he asked Charles Ellis.

— They don't have to attend the trial if they don't want to, after they plead to the indictment, said Ellis. — The bail covers them.

Parker stretched his hands wide in wonder. — But I thought that was the whole idea here. That we were going to turn defeat into victory by using the jury as a forum for our ideas.

— We've discussed it thoroughly, said Tom gingerly, — and we decided, that is the majority decided, that it would be more striking to ignore the action of the court and stay away. Boycott it. In the words of Tacitus, *prae-fulgebant eo ipso quod non videbantur*.

He gave an embarrassed laugh. — I rather like Emerson's translation of that phrase. It does it in one word less than the original: *They glared through their absences*.

Parker turned suddenly to Phillips. — Do you agree to this, Wendell?

Phillips shrugged. — It's a slave court, Theodore. I hate to be pilloried before it. On all legal points involved the Supreme Court has upheld the position taken by Curtis and company. In fact, their position sustains my own claim that the laws of this country are pro-slavery. I have said I want to withdraw from a pro-slavery union. Should I go before this court and plead with them to break their own laws?

— What about that, Charles, said Parker sharply to the lawyer.

— I disagree, said Ellis. — I don't think it will function as a slave court. They have already avoided the charge for that pretext. They have made no mention of the rescue or of the attempt to rescue under the bill, the Fugitive Slave Bill.

— Then it is irrelevant altogether, said Tom.

— Oh, I wouldn't call a year in jail and a thousand-dollar fine irrelevant, Mr. Higginson, said Ellis mildly.

Parker swung violently toward Tom. — Do you think it's irrelevant that we are about to go to war for Cuba and Haiti to make them new slave states, that the slave trade is to be re-established in this country? You can't see what putting us out of the way and frightening and discrediting our friends would have to do with the condition of the country?

Phillips went to Parker's side and laid a cautioning hand on his shoulder. Parker looked up at him in sorrow. The lawyer fiddled a bit with Parker's papers.

— There are many important questions here, said Ellis. — The grand jury was constructed illegally from a fraction of the district and by the Marshal, the party concerned. The Judge's brother-in-law, William Greenough, sat on it, unchallenged. The District Attorney was allowed to give the law to the jury. This is extremely dangerous. It allows the prosecution to originate the bill and bend the law to meet the facts in its possession. Tyrants want no more.

— Thank you, Charles, said Parker. — I have one friend here.

— Don't say that, I beg of you, said Phillips. — It is you I thought of most when I came to this decision. What is going to happen to you, Theodore, if this war of attrition goes on? You are already getting worn out, you haven't stopped since the thing began. There are other things for you to do of more importance. There have been three secret hearings before grand juries thus far and every one of them has been for the purpose of involving you, with me thrown in for a makeweight. How much more of this can you stand and go on with your work?

— Let them wear me down. What else am I for? said Parker.

— Not for this, Mr. Parker, I beg of you, said Higginson. — You would have thought differently if you had seen some of the old saints in Worcester before the court when they were arrested after the Butman affair. When the clerk read the charge one of them said: The man who wrote that is a liar. . . . And when the judge asked him to respect the court he answered, This is a slave court. I have withdrawn from it and call on everyone here to join me in forming a free Northern Republic. . . . Now what do you think of that kind of defense.

— I think it is ludicrous, said Parker. — I'm not an eccentric or a saint. I have no respect for the judges, but I respect the court and the reason behind it. I respect a jury. It is the essence of the country and I will take my chances with them as long as I can speak.

Higginson was upset and angry over Parker's attitude. The remark

about the ludicrousness of his Worcester friends was hard for him to bear. He had an impulse to hit back. — I'm not going to waste any more time on this case. The best moment has gone by long since. If we have such faith in a body of men, why weren't they sent to the Courthouse that Friday night so that we could stand up and defend a victory instead of a miserable fiasco and one agonizing anticlimax after another?

— That wasn't a body of men at Faneuil Hall, answered Parker. — That was a disorganized rabble.

— And so will we be, snapped Higginson, — if we don't act together. If the men who were in jail ten days on the charge of murder say they will turn their back on this court, then what business have we to worry about our Constitutional rights?

Parker began to cough, cough, cough. He held his handkerchief to his lips in one shaking hand and pounded the desk with the other.

— I'm not worried about my Constitutional rights. But I will be heard. I'll prove that Curtis's posturing, pious lies about respect for the law and our duty toward the country bears the same relation to democracy that litany-repeating bears to religion.

He picked up the defense and threw it down with a slap. — I will confess more than the government can prove.

He crossed, still hacking, to the window and threw it open. He leaned out, gasping in the edged, bright air. The room was silent behind him. There was a tiny rustle as Ellis picked up his papers. The doctor gave a groan and shook his head.

Parker took a huge breath that seemed to rush down his throat like a swab into a cannon. He closed his mouth, drowning the cough in the sluiceway of air by sheer will power. When he turned around, he had a crooked smile on his lips. — Look at Chev, he said, pointing a finger at the sad expression on the doctor. — He's sore because he wasn't indicted.

— No, no, cried the doctor. — I'm worried about you. You're sick, sick. You must do as they say. You must rest.

Parker straightened up and he thrust his bull neck forward. — Nonsense, Doctor. I will weather the cape. I will work as long as I can stand up and hang onto a desk. As long as I stand up, I'm all right. If I lean a little, I go plumb down. If I die it will be a judgment of nature, not a sin of the will.

— Will be damned, said Howe. — I'm a doctor. Don't talk to me about your will. I've heard your cough.

— I've talked to another doctor. He says I must get out into the air. He isn't going to dose me with drugs and shut me up with Lydia's petticoat swaddling me. He says preaching will do me good, not harm. Not a blind

doctor, not an idiot doctor, but a lung doctor; and he will make me well.

The doctor smiled, almost hysterically. — Good God, what a terrible Turk you would have become if your dear mother had not given you a push toward the cross! It must have been a mighty push to get you this far along the uphill road. There are things in your character that I wish I were big enough and strong enough to hold a cautery to, until I burned them out or burned my own hand off.

Parker made a lunge for the doctor, stooped and seized him around the hips and threw him onto his shoulder. He did it swiftly and with a tremendous flexing and stiffening of his mighty legs. He began to whirl him around. Higginson and the others were dumbfounded.

— Look, Tom, he panted. — Let the saints in Worcester keep good bodies. I could hold a barrel of cider once like this instead of an empty barrel of a doctor.

He set the doctor down and thumped himself on the chest. He picked up his hat and manuscript and started for the door. — So long, gentlemen. We agree to disagree. And I must take this off to the printer.

He rattled down the stairs. The others stood silently. The doctor came to with a start. — His coat, he's forgotten his coat! . . . He ran to the open window and shouted at Parker, who was walking rapidly down the street. The others could hear a careless reply. The doctor came back to his desk. — He says to give it to someone at the Institute.

Higginson lifted the coat off his arm. — I'd give anything to have it, he said. I'll give you the price of a new one for it.

— No, said the doctor, rudely pulling it back. — It'll never fit you.

# THE NINTH ORDEAL

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## OF LONELINESS

*My spirit is consumed, my days are extinct,  
The grave is ready for me.  
Surely there are mockers with me,  
And mine eye abideth in their provocation.  
Give now a pledge, be surety for me with thyself;  
Who is there that will strike hands with me?*

DAVID MCDANIEL, the master of the plantation Rocky Mount in the state of North Carolina, was a fiery, hot-tempered, swearing man. He would often thump tables and fence posts with his fists and use the foulest of words, but he never beat his slaves or horses.

He liked to bustle over to people and curse them and harass them. But if they stood up to him and cursed him back, he laughed and shook them by the hand. He liked living in the South and prospered there. He held his wife in disrespect, had a huge harem of black girls and sold off their common progeny without compunction and in fact with zest, often boasting to the buyers of the good McDaniel blood in them.

His mules and horses were good and much sought after. He kept his Negroes working in his cotton fields while waiting for a purchaser and they were well fed and housed and in good shape at all times. He had no barracoon on the farm, and when his stock got low went out at once and replenished it, spending as much as twenty thousand dollars in a day of trading without batting an eye.

Tony was favored by him above the rest. He tended the best horses in the stable and did not have to bother with the work horses and mules. He slept in the overseer's office and ate at the house with McDaniel himself. His master ran a store at the crossroads and Tony had credit there and was allowed to go in and get anything he wanted within reason. He was not



held accountable to any of the overseers and once when one of them tried to rough him up a bit he told McDaniel and saw the overseer tongue-lashed in his presence.

If Tony was submissive, it was an honest submissiveness put upon him by the law of his church and country. He was doing what was right according to the logic and ethics of his position. Freedom was a word that had brought him nothing but anguish. He had seen his brethren up North cold and hungry, reduced to petty pilfering and sentenced to jail for an act that would be taken for granted by a plantation owner. A slave had a license to steal. They raised the food. They had the right to any of it that was loose. They had a right to anything in the barnyard that was loose. They thought it was the Lord's blessing that put such things in their way. He remembered the old Negro women, homeless and begging, in the streets of Richmond. They were free. No one owned them, and no one took care of them either.

One day McDaniel came to him and said, — I've got an offer for you from the North.

Tony looked at him without joy in his face. McDaniel laughed. — Changed your tune a little since you been up there, haven't you? Well, I don't blame you. It's no easy life up there. There's lots of free niggers come back into these parts again. They can't make a livin' up there. No more'n the Irish. I hired a crew of Paddies to drain my back swamp; pay them a hundred dollars for the whole job long as it will take. I don't dare to put slaves down there and risk them getting sick and dying at a thousand dollars a head. You can get more'n the Paddies do workin' in the tobacco factories, and have someone to own you in your old age.

McDaniel pulled a crumpled letter out of his pocket and looked at it. — They're offering thirteen hundred for you. You're worth fifteen to me.

He threw the letter on the ground. Tony made a grab for it, but McDaniel put his foot on it. — What do you want it for?

— It's from Mr. Grimes, said Tony gently.

— No, it ain't neither, said McDaniel. — It's a man named Stockwell. He picked up the letter and showed it to Tony.

— You've got to do it, Mr. McDaniel, said Tony. — I want to go.

— What for? There's nothing up there for you. You found that out. You want a woman? Take your pick. You can make brothers to my own nigger sons if you want to.

— I want to be sold up North. If you don't sell me, I'll try to escape. I gave you my word I wouldn't, but now I've got to take it back.

— But why? Can you give me a reason why?

— It's Mr. Grimes, blurted Tony.

— It's not Mr. Grimes, you God-damned ape. The man's name is Stockwell. He never even heard about you. Wants some cheap help, maybe to get back at the Irish. Probably a Know-Nothing. Hell's breeches, you're a know-nothing yourself. You don't know why you want to leave!

Faith in man, faith in man, Tony should have said; but he couldn't put his finger on it just yet, and so he said nothing and McDaniel stamped off in a temper, shoving the letter back into his pocket and saying that he wasn't going to discuss the thing again.

\* \* \* \* \*

The sun of late February put brightness on the snow and made the chimney shadows the deepest of purple on the roofs where the crust stayed firm. Parker bounded downstairs one morning early, thrust his head out of the front door for a big breath and heaved clouds of steamy vapor in and out like a spurting kettle. He went into the dining room for breakfast, lifted the lid off the plate at his place and said, — What's this?

— It's lovely hot porridge, dear, said Lydia.

He clanked the lid down on it with distaste. — Why do men eat bread and meat? he demanded.

— 'Cause they're hungry, answered Hannah Stevenson.

— Good, good, dear old lady. I see you know all your catechism this morning. Next lesson. Why did the Lord make the world? Answer: Nobody else could. Wa'n't none ready so he done it.

He paused for a laugh. Miss Stevenson's face was glum. — Lydia, he called. She had gone hurriedly into the kitchen.

— Leave her be, said Hannah. — She's gone in for a cry.

— My Bear crying? No. What's she crying about?

— Because you're going away.

— But I always go out to lecture around this time. Hasn't she got used to it yet?

— She thinks you're too sick to go.

Parker stifled a flick of indignation. Lydia was always worried about him doing this and doing that. That's why he called her Bear. She was so very, very, unbearable. So unburlly, so high and thin of voice, so pale of color, so unable to give a great big squeeze. It was the only bad thing he ever said to her and she didn't attach a great deal of importance to it. After all, he loved bears. He had all kinds of carved china, crockery, paper and glass bears all over the house. Everybody that wanted to bring him a gift brought a bear. They didn't dare pick out a book for him. Once he had

routed Professor Agassiz out of his bed at three in the morning to ask if bears mated for life or only from season to season.

He picked up the bowl of porridge and went to the kitchen door. — Do I have to eat this puppy food, Bear? he asked. — I'm a big dog now, a regular genuine shepherd, going to tend my flocks on distant hills. Can't I have a big bone with a lot of meat around it?

— You said the other day you were a poodle, she said, wiping away her tears.

— And so I was, a poodle dog to lie on the sofa all day at my lady's feet, with sweaters and shawls and a bear's petticoat swabbed around me.

— The doctor said . . .

— Oh, no, my dear, he interrupted and gave her a hearty smack on the lips. — Get out, doctor said, breathe the fresh air, circle the country round, best thing in the world. Honest, Lydia. That's what he said.

— Which one said that? Not Dr. Howe. He wants you to rest.

— The one the great Navigator left behind to point the way. It's time for the gold rush, you know. Fifty dollars a night for saying the same things in Utica and Waukegan that I'm going to get punished for in Boston. Think of that, Bearsie. What a precious town we live in. Old Parker has to travel and loot twenty cities to pay the tribute for one night's oration in Boston. It'll be forty by the time I'm through.

— What's the other thousand for, more books? Lydia said with wifely coolness.

— No more books. Don't need books for the war. Need cannon balls. That's what I'm buying now. How'd you like a cellarful of cannon balls?

— They'd be easier to dust, I guess, she said, going to the food cupboard. — Shall I make some ham and eggs?

— Can't I have a steak, dear? And some bread. Lots of bread. Don't bother with potatoes at all. Now I'm going in and chivy Hannah for a bit.

He strutted into the dining room again, bouncing up and down on his toes in the way that always aroused Miss Stevenson's spinsterish fury at man's colossal conceit. Humming, half-singing, dissonantly and with the greatest happiness . . . *Despis-ed, reject-ed* . . . he took from a corner a large-sized railroad map of the country and began to hang it over the sideboard. She looked at him with a jaundiced eye.

— What on earth is that for? she asked.

— It's a railroad map, Han, showing my ports of entry, my ports of call. Sent to me by my booking agent. Miss Charlotte Cushman is the only other person in Boston that has one. I'm going to follow her into Buffalo. Oh wait, you haven't seen my new coat.

He rushed into the closet and brought out a heavy, buffalo-lined coat with an astrakhan collar.

— Look, Hannah. Just like an actor. Don't I look like one? Don't write me any letters with Reverend on them. And look at the hat.

After slipping on the coat he held up a round Cossack hat of black astrakhan. He patted and fluffed the fur with his hand and set it happily on his head. — Look, Hannah. Isn't it beautiful?

He put his hand on it. — I feel as if I had hair again: thick, black, curly hair.

— Again? she said sourly. — You never did have thick, black, curly hair.

— I wasn't an actor before. Now if Miss Cushman's leading man takes sick and she needs a Romeo or a Hamlet or a Macbeth, I can jump right in without even having to remove my hat.

— I believe that's back of this whole trip, said Hannah. — I can't see any other reason for traipsing around the country in this weather.

— Weather, Miss Hannah? Why, it's nearly March! Spring's coming pretty soon. The first blue violets in the northern woods, the mayflowers and the green moss capturing the gray stones under the eternal pines, and the clear pool full of little polyps bringing forth other little polyps which bring forth other little polyps which bring forth . . .

— Nonsense. There's four feet of snow where you're going. Will be for the next six weeks.

— The rare, exquisite pale northern light, the stars like pure suns watching over the earth. The wind sighing more sweetly and with a higher pitch in the snow-covered trees, and then a little brook, singing with the clear tinkle which comes from being half-covered with ice, singing the song of spring at the door . . .

— Singing the song of mud. Brooks of mud on the sidewalk, rivers of mud in the streets, and bottomless, gluey, smelly oceans of mud in the squares around the railroad stations. It's not nature that's calling you. I won't be taken in by that chestnut.

He slipped his arms out of the coat and then tried it as a cape. He laid his hand delicately on his shirt front and said, — No, I must confess, my queen, that it is the sound of distant trumpets that calls me to horse. Those magical letters, the greatest in the language, are ringing in my ears like the opening bars of the Fifth Symphony . . . *Da-da-da, da, F-A-M-E* . . .

— Foolish agitators mangle English, she said.

— Ah no . . . *Fif-ty dol-lárs . . . and-my-ex-penses* . . .

He heard Lydia coming in with the food. He whipped off the hat; she hadn't seen it yet and he didn't want her to make him wear his stovepipe

at the last minute. He threw the coat over the back of his chair and sat tapping in assumed impatience as she brought in a big plate with a porterhouse on it and a glass of milk and set it down before him. He pushed the milk over to Miss Stevenson and fell to eating the steak, saying: — Milk for the maidens, meat for the men.

She pushed the milk back indignantly. Lydia sat at the table, sideways on her chair as wives and mothers have to do, and watched him eat. She was sad. He was always so exuberant when he was going away. It was awful of him to eat so heartily, with such gusto, at a time like this. He hadn't eaten so for months. She looked away to hide the tears that were beginning to cluster again in her violet eyes. She saw the map on the wall. She waited considerably for him to get to the bare bone and then she said, — What's that map for, Theodore?

— Oh, that's so you can follow my route and be with me on my journey, he said, getting up and going to the map. He ran his finger over the central New York area, heavily laced with the black lines of railroads. — You can stick pins in the places where I am each night and then keep track.

— She ought to stick pins in you, said Miss Stevenson.

— Then she'll have to come along, won't you, Bearsie? See, you haven't got a worry in the world. All I have to do is get on and off the train. There's a railroad wherever I go. *Rings on my fingers and bells on my toes, and I shall have railroads wherever I goes . . .*

— Then why don't you take her with you? said Miss Stevenson. — She could give a better lecture than you. As any woman could outshine a man at talking common sense.

— That's what I'm afraid of, he said. Then he snatched up a piece of bread from a dish. — Look at that bread. A woman that makes such bread should never straddle a platform. He swabbed the bread into the plate, soaking up the gravy, and then popped it into his mouth. — Ah my dear, he said to Lydia. — Such a lovely sacrament of bread you bring me! No priest could hold a candle to it. Although many would light one to it if they ever tasted it. . . . He shook his finger at Miss Stevenson. — But we must have butter too.

— You butter her up as much as a body can stand without even leaving the house, it seems to me, said Miss Stevenson.

He ignored this. — Into a long, luxurious coach here at the Worcester Station, there to sink into the roomy chairs by the window, ready to glide off on the wings of the wind . . .

— The chairs are exactly three feet four inches, and sit two people. One would be plenty with your shoulders. As for gliding off, there's a chain a

foot long between the cars and the engine and it starts and stops with a jerk that would snap your head off when it takes up the slack.

— Were you ever an engineer, Hannah? he asked sarcastically.

— No, but my brother was. You can't tell me a thing about railroads, she answered.

— Then, he continued, — we roll along to Worcester. Here we get into the land of the Bub family. You won't find them in the directory, but all the boys answer to the name. They pass up and down the cars with toothsome sweets, popped corn soaked in molasses and candy.

— They scream in your ears, said Hannah. — And then they paw over everything in the basket with filthy hands. They never wash, of course, and offer you an unwrapped sandwich with some dried beef in it for an astronomical price.

— Then, Bear, dear, there's a nice hot stove glowing in the car, sending out waves of heat to drowse in . . .

— With a lot of rough men sitting around it, spitting tobacco juice all over it and letting it heat up their rum-soaked coats so that the air reeks of stale sweat and alcohol and you go to open a window because you have a splitting headache and you roast on one side and freeze on the other.

He stabbed his finger on the map. — Now we get to the Hudson River Line.

— I know that line well, said Miss Stevenson. — The rails are laid on granite sleepers and the din from the wheels is indescribable. Then the train goes through the deep granite cuts on the roadway and the drunken men start parading through the cars, slamming the doors. She put her hands over her ears and groaned. — What are you going to Troy for? I thought you were going west through Albany?

He gave a dry cough of embarrassment. — My first stop is at Rouse's Point.

She sniffed loudly with disgust. — Rouse's Point! Two hundred and eighty miles off if it's an inch, and the worst tavern in the United States. The crockery there sticks to your hand. I had some fish there once and it was as cold as if it had come from the lake. That's all I ever could get there, cold fish. Then I suppose you're going to Malone and Potsdam. The temperature never gets above twenty below this time of the year up there.

What a woman, Parker thought, turning away from the map. Too sharp, too acid, in spite of her fine mind. She was the kind of woman that people thought he should have married. Some didn't think Lydia was his intellectual equal. No, she wasn't, thank God. Usually he liked the workings of a female mind, the adroitness and subtlety, but Miss Stevenson was like a



chariot charge, the chariots with the knives in wings stretching out from their hubs. But he knew how to get her out of the room and have a moment or two alone with Lydia.

— Hannah, have you seen anything of that letter I had to the hotel-keepers? If you don't have a letter for them they'll roast you up on the top floor like crows in a tree.

— It's in your pocket, Hannah said.

— Did I ever tell you about the servant girl on the New York boat going up the Hudson for a job? She lost her reference and she went to the Captain about it. He obliged by writing her a new one. *Miss Flanagan*, he wrote, *had a good character when she got on the boat but she lost it in her cabin going up.*

— Theodore! exclaimed Lydia in a shocked tone. Miss Stevenson got up abruptly and began to stack the dishes.

— This letter got me into a bridal suite one time, he said wickedly. — There was a huge bed standing plumb in the middle of the floor, all draped in white, and with flaring gas jets on all four posts. Why, I shall never know.

Miss Stevenson walked out into the kitchen with the dirty dishes. Her straight back was shrieking disapproval. She came back and sat down again, however.

Parker turned to the map again. — I must cover northern and central New York and tell everybody to go with the new party and make friends for Mr. Seward. Then I've got to go into the West where it began, and make enemies for Judge Douglas. He's acting mighty strange. I think he might try to climb on our bandwagon, now that he's done all the damage with his Nebraska Bill. You see how thick the railroads are in here? That's where capital and labor are. He drew his fingers over New York, Pennsylvania and Illinois. — That's communication. That's the watershed for the tide that's going to rise and wash off our wicked slate. I'll have plenty of time to read between jumps. I'm going to take my extra carpetbag loaded with books . . . Campbell's *Justices*, Rushworth and Hume. Did you pack them, Hannah?

— Yes, she answered.

— Look at those railroads, he exclaimed again. — Great clumps of them in the North and hardly any in the South. They look like Mrs. Tebbit's varicose veins.

Miss Stevenson rose indignantly and went to the hall doorway, ready to go up after his bag. — I've never seen Mrs. Tebbit's varicose veins.

— Now, I'm her minister, said Parker. — She's not supposed to keep



anything from me. And I'm going to find a man for the country but not for Hannah. She's too good for them.

This time when he looked around she was really gone. He clasped Lydia to him. She was beginning to get a little weepy again. — It won't be long this time, dear, and I think it will do me a world of good. I've got to get away from the trial for a bit. I suppose some will call it a flight. Maybe it is. Anyway, I know that two weeks' preaching always makes me feel better than a lifetime on an invalid's couch.

— It's all right. I know I married a great man and I have to share him with the country.

— Nonsense, he said kissing her but pleased just the same. He let go of her and took up his new coat. He put it on with assumed carelessness watching her out of the corner of his eye. — Got a new coat. I gave my other good one to Doctor Howe for one of his boys, you know. I thought this one would be warm.

Lydia rubbed the collar gently. — It's beautiful. I love the collar. It's so different from the plain black things you always wear.

— Well, it's warm, he said in a deprecating tone. He suddenly dove under the chair and came up with the hat. He set it gingerly on his head, looking at her anxiously. — Well? he said.

— Why you look handsome, Theodore. You look like an ambassador, so distinguished.

He kissed her again and the going-away silence fell between them. You have no words for me and I have none for you, he thought. There never were many between us and that is good. I have so many words for other people and they for me. Between us be the truth of love and that's enough. Least said, soonest mended; least said, greatest love.

But he had to say something. He didn't want to have Miss Stevenson catch them looking at each other like this. If Miss Stevenson said a word or two about it he might have to stay. Miss Stevenson was always right. But she didn't always know it, praise be.

— Do you have to talk all those books? said Lydia, breaking the silence. — They're so heavy.

— Don't worry. They won't be heavy coming back. There'll be nothing left of them but the covers and endpapers. I'll gut them like mackerel and swallow the spawn.

— Yes, dear, said Lydia.

— Little travel makes homely minds, he said after a pause.

— I guess it doesn't make homely wives though, said Lydia sadly. — Men with pretty wives stay home more.

— Now Bear, you are too pretty. Whenever anybody asks me if I love my wife I always say, See her and guess.

Miss Stevenson, who had been looking out of the window on the upper landing for the hack, came downstairs with the heavy bags just as the cabman knocked at the door. She opened it and the man came in. He watched Parker coming toward him. — Is yez the gentleman that wants the kadge? he asked.

— Is yez the gentleman that wants to drive me? Parker answered. The man laughed. It wasn't said in a superior way but in a friendly one. Parker kissed Lydia warmly and Miss Stevenson the same and got into the hack and went away to the station, not looking back at the slowly closing door.

\* \* \* \* \*

At the New York depot he looked anxiously around for his old friend George Ripley, now working for the *Tribune*, who made a kind of ritual out of meeting him whenever he passed through New York. For a full fifteen minutes he stood alone watching the travelers and greeters drain off the platform and leave him, unleavened and sad. He lifted his heavy bags and set out for the Hudson Station but then he saw George, stout now, white-haired and bearded but still walking loose-jointedly as if he never meant to be fitted into his envelope of fat and slid around inside of it with young-awkward bones.

With one hand George took the heavier bag and with the other he held out a letter with considerable scribbling on its face. — Look at this, said George indignantly, — it's a wonder I could have got here at all. It just came to my hands after an extended tour. It's directed to *New York Tribune*, G. Ripley, New York. Since the name is placed where the town should be it went to Ripley Post Office off somewhere in the interior. Then it came back to the paper and was mixed up with the business letters.

— How did I know they had gone and named a town for you, George?

— What's in here? George lifted the bag waist-high with a groan.  
— Did you bring the documents?

— It's full of lawbooks. What documents did you want?

George clucked his tongue in disgust. — I thought so. I wrote you way back in the dog days about this O'Leary chap.

— I remember the name, George, but the face escapes me.

— He's an enterprising young quacksalver who is getting up some lectures on the great men of the country, showing them at full length corporally in the magic lantern.

— I vaguely recall it. He wants to shine naughty deeds in a good world.

— Vaguely! He said you referred him to me for a sketch of the terrible Boston Iconoclast, which for the promise of good and sufficient current money I have consented to do. Of course there must be plenty of humbuggery in the piece or he would not appreciate it. You were to send some data . . .

— I have to get that train in an hour. Where shall we eat?

— At the oyster house around the corner. Did you hear the one about the Hibernian who was supposed to deliver some trunks to a man at the Astor House and told the police he had been to every oyster house in New York and could not find the owner?

— I've got one worse than that. Why is a rotten potato like a beehive?

— Give up.

— Because one is a specked-tator and the other is a bee-holder.

Ripley laughed heartily. He always did at these things and that had been the bond between them for thirty years. Whenever they met they fell to making puns and then to ridiculing one another and themselves until Parker could let the self-ridicule slip into self-pity and the revealing of doubts he could never utter to anyone else, knowing that George would pretend not to take him seriously. And then, showing his hidden wounds like a brawler to his crony, he could derive from the exaggerations of the jocular notice taken, some small and inverted sympathy compromising neither one of them.

In the restaurant Parker watched George with amusement as he fished the oysters from the stew, as a mark of his deep respect for all forms of life, and laid them tenderly on an empty plate. To this he added a few quano-like scraps of salt pork and said with unwitting symbolism, — I had intended to come to Boston and to sit under the droppings of your sanctuary some Sunday. Or would you rather have me on a Saturday? I'd like to catch you in the act of your weekly snake-killing. Perhaps that would be better. Sunday you might ask me to lead in prayer. Anyway, let me have the documents and I might stay around for any late news you may have received from the spirit world.

— You used to lead me in prayer, George, said Parker, looking at him censoriously, and half in earnest about it. — This is nice talk from the former pastor of the Purchase Street Congregational, the leading scholar of the Unitarian Association, ex-editor of the *Christian Register*! You've become a worse heretic than I am. At least I'm trying to keep the old ark moving with a new engine, but you've jumped ship entirely.

George answered with a set smile but his eyes were fixed in the distance to anchor his words with conviction. — Let every man be the founder of

his own religion. I have abandoned the old fetish you still cling to. Everything we ascribe to God lies within the soul of man; I will not longer quarrel with theology. Bring man to self-consciousness and the age will turn away from all of its strife. In this I have parted with you, old friend, and feel that you deviate from the path of true progress. You still put your ethical obligations on the sanction of a personal God. How can we reconcile personality with infinity? To me even the reasonings of natural theology are broken cisterns which hold no water.

He picked up some chunks of hardtack and broke them slowly into his purified chowder, performing by this vegetable saturation a perfect act of anti-transubstantiation.

Parker watched him for a moment calmly spooning up his tasteless gruel. He pushed the salt toward him. George shook his head and pushed it back.

— But where is the savor to your life, George? What have you to hope for, or better still, to fight for?

— For the holy trinity . . . the good, the true, the beautiful. That's why I want your picture, dear Theodore, Great Champion of Truth. Horrid Man-eater and Baiter of Innocent Theologs. What's the matter? Have you no desire to figure in the great Mr. O'Leary's Magic Lantern Show? Or do you think it suicidal to be an accessory before the fact to taking your life? Don't worry. I'll do you justice. Or is that what you're afraid of?

— I'm a busy man, George, getting ready for a year or more in prison. I hardly think Mr. O'Leary would want to take up that pen.

George was startled for a moment and laid down his spoon. — Let's be serious . . .

— Serious? Don't you read your own paper, George? I'm under indictment and out on bail. My trial comes at the end of next month.

— I had no idea that the legal process against you would assume such an aspect. How can they find any support in public opinion?

— Public opinion doesn't hold up very long against private determination.

George, unaccountably, picked up his spoon and chuckled. — They'll catch a Tartar if they get you in the State Penitentiary. There'll be a line of visitors from the gate to Bunker Hill. For your own sake I should not regret it if they did their worst. I can see that neither your sleep, your digestion nor your inner serenity will suffer from the anticipation . . . and as far as O'Leary is concerned, it will form as bright a page as any in your biography.

At the end of this he took a great sup from the spoon and smacked his lips, and Parker thought, What a monster I have made in my own image

when my dear old friend sits opposite me in my trouble and eats his hearty gruel without sympathy, thinking that I am all armor, all combativeness . . . that I seek out trouble and take it as a reward. And now his own dish had lost its savor and he pushed it aside. He wondered if he could evoke pain from George on his account, get behind the heartless love and admiration, shock him, bring him weeping to his feet, put the salt of tears in his mouth.

— It was about this time twenty years ago, George, that you preached at my ordination in the little church in West Roxbury. You called your sermon the Right Hand of Fellowship. We may not see another anniversary. This thing is not just another Boston bagatelle. Says Ben Hallett, the United States District Attorney, He's a murderer. . . .— Same's if he stuck the knife in Batchelder, says Justice Curtis of the United States Supreme Court, the hanging judge for the trial.

Instead of being shocked, George shook his head with petty annoyance. — Will you oblige me, reverend and dear sir, by discontinuing the use of that vile expression, says Ben, says Curtis, says God? Where in hell did you pick up such a barbarianism? You disgrace me, your old teacher and pastor, every time you use it.

Parker laughed mechanically and they left the place and went to the railroad station. They were quiet now. Parker had hit George but he didn't know it. They swapped a few more jokes and puns until Parker stood by the steps of his train.

Suddenly George seized him by the arm and said with great intensity: — Now here's what you must do. You must get an article prepared in your defense to circulate nationally. Don't you write it. Get Hildreth or someone like that. It must be moderate and judicial in tone and conclusive in its statements. We will give it the widest publicity in the *Tribune*. I hope you have taken notice that we always bring the latest Parkerism before the public, and that no other paper has that news.

— Thank you, George, but I doubt . . .

— Do so, you fool, or I'll go right on with this other thing, showing you as you really are. You don't frighten me. People think you are made of cast iron and gall and you have no right to quarrel with your fame, or ill-fame in this respect. You not only take things by the throat but you seem to revel in their spasms of agony. There has been too much of this.

— I've got to go, George.

— Wait. I know this has been the root of your great success and like the others I have rejoiced because you have shown the world a true man in the midst of these dwarfs, mountebanks, satyrs and monkeys. If it had

not been for you I would have known no other kind of world. It was that visit to your house years ago which was the causal and immediate antecedent to my adventure at Brook Farm. You know when the salt went out of my life. Now this is the one way in which I can pay you back. You are a prisoner of your reputation. Why don't you let people know you as you are? Show your weaknesses. Otherwise you will never be saved, they will send you happily to the arena, friends as well as enemies, as long as they think you rejoice in the bray of trumpets and the smell of blood.

The engine bell clanged. The train began to shiver, taking up the slack of its chains. Parker heaved his bags to the top of the steps. — I can't change. I'd melt away if I did. I love too much to be loved. Let people go on putting me up as a dreadful John Knox if they think it compliments me. Personally I think he was another Bluebeard converted to Calvinism who damned better men than himself. I have to officiate as an agitator, a calumniator and gladiator, there is no one else. I thank you for telling me there is a better side to me, but don't tell them I shed tears. Even though there are some in my eyes now. Good-by, dear friend.

He climbed up the steps of the train and walked into the coach and took a seat on the side away from where his old friend was standing. The car passed by George with empty eyes.

He was all right, fine, until he got to Waukegan. That was the far point of his traveling and a long, long way from home. There his headaches began again and his nightmares and deadening sense of failure and defeat.

There was a good deal of homesickness mixed up in it too. It was a Sunday meeting . . . *here* . . . in a big hall with nearly a thousand people. When he reached for the hymnbook it was the same as the one used in the Music Hall, and this was like taking an old friend by the hand in a distant place.

He was invited out for Sunday dinner at a house nearby but he declined. He wanted to get back to the tavern and stand awhile with a little captive bear chained outside. He was very tired and sick of talk. He felt the need of contemplation. He realized that he hadn't sat silently without scheming, without learning, without propagandizing or making inner judgments on people and things, for years now. He stood looking at the bear, trying to arrest all movement in his mind. But he could not. Finally he made a note that the bear always revolved around his post in the direction of the sun, and went in to dinner. There was a tough



steak, sour bread, and potatoes swimming in fat. He felt of the bed-sheets when he got to his room. They were damp and cold.

There had been a curious man waiting for him at the end of his sermon. He was hearty and rough-looking with a great shaggy coat on of wolf-skins all untidy at the edges and a hat sewed together in a cone and a conelike patchy beard at the other end, a curious parti-colored beard with streaks of red, gray and yellowish hair mixed up in it. The man's gloves were wet as he pulled them on and they had a nasty, choking smell to them. Parker looked at him with enjoyment. This was the type of aboriginal Yankee he had come to see, and it was heartwarming to find one listening to him. But when the aborigine began to talk he betrayed an unmistakable Boston accent, for he was merely one of those who delight in living in far places and who immediately take on a violent garb and become more outlandish than the natives they think to uplift by living among them.

He lived in Minnesota, he said, in a fort still used to keep off the wild Indians. He had brought two sermons from Boston and had read them for several Sundays to his neighbors in the outpost. Now they wanted more and he had come all this way in the snow to ask for some. His talk was as formal as his garments were wild.

— Now sir, if you will send me such of your sermons as in your judgment will suit a frontiersman's mind best, I will settle the bill whenever it is presented.

— No bill, sir, Parker replied. — You are welcome to all I have at home and there are others that you can get by sending to my friends Little and Brown in Boston. But tell me, sir, isn't there enough in my theology for you to teach it yourself without my actual words? Is there no seed-stuff in them so that you can let ten or more sermons grow in a row from the one or two you have already?

— I'm afraid not, sir, said the man, throwing back his head for a laugh. — It isn't what you say, it's how you say it.

A brutal criticism, meant as a compliment, of course, but not cheering to a man who is reaching the point where he might have to live with his mouth closed and wants something, a bit of his spirit, to be carried on.

Intimation of mortality, he thought as he drew off his boots in the chilly room. Was he to leave no one behind him? Of course, there were the Higginsons, the Johnsons and the Conways back home, but they had taken his learning for wisdom, his invectives for his invocations and grafted his flower and cut off the root. Was there anywhere a simple man, a rural man, far away from colleges and the plethora of tran-



scendentalists, who reflected Parker entirely, a young man now who might live into the new century?

There was the boy who had written two years ago after reading his "Discourse of Religion." The boy had lost his arm in an accident and had turned to reading in his crippled state. He had written of acrid disputes with church members and ministers in his village and a hue-and-cry sprouted that he was an infidel. Now the town was raised against him and no one would give him work because of it. Even his brothers and sisters had soured on him and wanted to turn him out of the home. He wanted to come to Boston and get employment. — Where I may clasp you by the hand, listen to your noble words and take example from your manly life.

Parker had dodged the issue the easy way, telling him to stay where he was and live down his bad name with good deeds and thus conquer at the end. It was simple to say and a relief from a bother . . . but cruel, cruel. It was true that it was easier to live in the West, and in Boston the boy could have ended up in the back alleys and stews of Ann Street. But this boy had made it hard for himself to live anywhere with his tender idealism, telling his parents that Parker had waked him from a bad dream and inspired him to reject their arguments, that his talents and eloquence could fill his pockets with gold.

Parker could see the letter now in his mind's eye with the burning pathetic words. . . .

Of times as I have been reading your words, my heart has gone towards you and I have longed with an irresistible longing to be near you. And since I have been writing, I have wished I could be in the place of this letter and that you could look into my eyes and read me as you can this letter. But if that cannot be now, let me hear from you often. Write brave words to me, and I will endeavor to live down opposition.

DAN WILCOX

He sat in the crude chair, shoe in hand, hating himself. He was a flirt, an ethical flirt, a spiritual coquette, leading people on and then telling them to stay away and fight it out somewhere else. Be satisfied with my letters and my words but touch me not.

And then there was Herndon, the lawyer from Springfield. He had written too, not sincerely and pathetically like young Wilcox but with a real Western bounce and brag . . .

You are my ideal, sir; strong, direct, energetic and charitable.

What was the matter with Herndon for a disciple? He was young, well-read, a lawyer and in politics, had a good library and a position of importance in his town and even around the state. He too wanted to come to Boston but not in a languishing way . . .

I want to see the places of revolutionary memory and the three living institutions of Boston, Garrison, Parker and Phillips, so that when I want to speak of things, I can talk knowingly and when such men as you are said to be harmful to the Republican Party, I can say to the vile slanderers, you lie. I have seen these men and taken them by the hand and I know it is not so.

He would not be a burden, Parker thought, and then flinched at the unhappy, self-scornful implication. He drew on his shoes again. He decided to take up an invitation he had received a month ago. He would send a telegraph to Herndon in Springfield and speak there on his way home. It would cost him a day or two perhaps but he could make it up by sleeping on the train instead of a bed. He would go down Peoria way, and he would write to the boy without an arm and see him and perhaps fit him into his life somehow or turn him over to Herndon if it didn't seem wise to take him out of the rising West into the falling East. After all, they were neighbors there in Illinois.

It was an ill-omened trip. There was no train connection whatsoever between Chicago and Springfield. The only railroad from Springfield ended abruptly at Pekin some miles to the north and it stood as naked and inaccessible as a sandbar in a river. He had to go by stage to the engagement. The stage was too crowded to read or sleep in. When he got to the terminal, there was no one to meet him. He asked for Herndon of some loafers at the stage stop and they set up raucous laughter at the question.

— Don't see much of Billy since he got to be the Mayor. Keeps outa sight just a mite. Better he had too, takin' liquor out of the town first thing the way he did. Never git elected again. Not even dog-catcher.

The tavern was typical. The man who greeted him at the hall just before his lecture was full of false notes on cultural themes, had thick spectacles, a long nose and eyes divided by a pin's breadth. He, too, was rather bitter about Herndon, hadn't seen him all day and resented having the whole affair put on him to manage.

The crowd was small and quiet and Parker searched in vain over the torpid people sitting listlessly on the dusty chairs for the man without an arm.

At the end, standing in the lobby, watching the lights put out with insulting speed, he was approached belligerently by the man in charge and given four or five dollars and a handful of silver, with the remark that it was the best they could do and it was hoped to be a satisfactory conclusion to the affair. — A fiasco, said the man, — if I ever saw one.

Parker explained that he usually got fifty dollars a night and expenses. Mr. Post flew into a rage. — It's always been understood that entertainers are to appear for the money taken in and pay for their own rooms. You get what's coming to you and if there's no more, it's your own fault. We don't charge a thing for the use of the hall. I don't see why we always have to have these misunderstandings with the ministers that come here. The minstrel shows and all the other entertainments make out very well. I had the same trouble with Mr. Beecher when he was here and I don't intend to go through it again. It isn't worth it.

The man stood there like an indignant rabbit, holding his chubby arms doubled back against his chest and his hat clasped there in his puffy hands. Parker dropped the silver he had into the hat and walked away without a word. At the door, a man stepped out of the shadows, and said, — Mr. Parker.

Parker looked quickly at his arms. There were two. One was stretched out in greeting. The handshake was hearty, shaky and feverish. He saw a man of five foot nine, in his middle thirties, good clothes, even natty clothes, but run-down and disheveled, dirty linen, his hat thrust to the back of his head and his overcoat carelessly open. Was this Billy Herndon? If it was, his disciple, the great exponent of freedom and temperance, was considerably drunk. If it was not, the only convert he had made in all this tiresome trip was, to repeat, considerably drunk.

— Did you get into a row with that good-for-nothing Post? I'm Mr. Herndon, sir. Very proud and happy to see you. Proudest day of my life in fact. Mr. Post is a scallywag. He's got no right to insult people! Don't you mind, sir. He was shamefully wrong to Mr. Beecher. I regret all this proceeding very much. Are you stopping at the tavern, sir? Let's start walking along. What say you? I hope you will have the goodness to separate me from the mass.

— Mr. Herndon, it's nice meeting you at last after all these letters, said Parker courteously. — Pray do not concern yourself about the money. There may have been a misunderstanding between Mr. Beecher and Mr. Post but I shall have none with anybody. I was more concerned about the smallness of the audience.

— Damn right. Excuse me, Mr. Parker. But when I think these ignorant mud-suckers here passed up the chance to hear the foremost man in the country . . . and they talk about the Pike County folk! They're worse, living in the capital too. But narrow, oh narrow, Mr. Parker. Let me tell you, sir, without bragging, that I've just been on an extensive speaking tour myself to another part of the state and spoke for two and a half hours to a crowded house in Atlanta. Must have been seven or eight hundred there. Well sir, I took open, broad, deep antagonistic grounds against slavery, as I will everywhere in God's habitable globe. I expected to be hissed, but they respected my thrill, my passion, and drew to me more, ten thousand times more, than a milk-and-cider affair. I never saw a more exultant crowd in my life.

He let off a high screech of a laugh and started to slip in the icy mud . . . or muddy ice . . . It was hard to tell in the thaw. Parker caught him and held him by the arm. Herndon began to breathe rapidly in and out, trying to sweep the alcohol out of his brain. He had left the lecture hall before Parker had come on to speak, not being able to stand the small crowd. He had been in a crazy nightmare since Parker's telegram had arrived, trying to drum up a great throng for his ideal. But he himself was out of favor with the town. The Know-Nothings, who might have gone in hopes that Parker would lambaste the Catholics, were mad at him because he had put a temperance bill through. The people who didn't drink, of course, hated Parker's unorthodoxy and radicalism. Even the boys at the Temperance League wouldn't come, and he had got drunk to get even with them. But he didn't think he was going to be this bad. It was when he came suddenly into the hot hall by the vestibule stove after walking in the cold air . . . And now he couldn't go home or bring Parker there. Oh God, this was the most humiliating day of his entire life.

— I wish to apologize for the citizens of Springfield, sir, he said. — We had a shameless, immoral actress here a short time ago, Lola Montez, and she drew over four hundred of the elite.

— I gave you very short notice, Parker said. — Then too, I fear you risked your own standing. Even now you are notoriously the companion of a suspected and abandoned person.

He said it smoothly but Herndon cast him a quick sidewise glance, wondering, with the perception of drunkards, if this was a veiled suggestion for them to part. — I know you must be tired, but I'll escort you to the tavern, sir. I would like to entertain you at my home and show you my library; but as I say, I've just got in from a speaking tour

and my family are not quite prepared to entertain such a distinguished guest.

— The tavern will be fine, Parker said, feeling Herndon weigh heavier and heavier on his arm. He wondered if he would have to escort him to his home.

— Let's not worry about these plebeian backwoods people. Let's talk about philosophy . . . about Boston things. I'm crude, Mr. Parker. I'm troublesome, but I'm bothered and want to free myself if I can. I've been looking forward to this talk. I have theories, but no quiddities, no entities and other tomfooleries. I try to see to the gizzard of questions. I'm a kind of people's boy, my dog sagacity, my mud instinct tells me what to do. The brain is a simple thing, Mr. Parker, consisting of common sense. It can understand the zoophyte if it wants to.

By this time they had reached the tavern steps and he was much firmer on his feet. He steered Parker to two chairs by the stove in the lobby and settled down for a long talk.

— Everywhere we see coexistences and successions, powers and forces and consciously God. No laws.

He shouted this out. — No laws! And some loafers and drinkers looked over at him with an indulgent smile. — All is governed by constant modes of operation, God the immediate cause.

Parker's eyes closed in the gratitude of heat and comfort and a seat to sit on. — I wonder if I could shift to this couch and stretch out a bit?

— Can I get you something, sir? Some coffee or tea? asked Herndon.

— I'd like a glass of ale, Mr. Herndon. I usually take one before I go to bed.

Herndon's face had a look of abject dismay. — This is a temperance town, Mr. Parker. I drove out the liquor dealers when I took office.

How shameful it was now. He was drunk as a goat and a hypocrite besides. He reached slowly in his back pocket and pulled out a pint bottle a good deal gone.

— But I backslid a little tonight. It's hard, he said, averting his face, — to overcome the appetite, the habit and the low demagogue that rules the synod in the grocery.

Parker took the proffered bottle. Should he drink some? He had before, many times, taken sherry and Monongahela. But there was something about a bottle being thrust at him in such a place he couldn't stomach. He gave it back to Herndon regretfully.

Herndon didn't touch any more of it and tossed it into a spittoon. He looked at Parker with his eyes full of shame.

— I wonder what Mr. Douglas is up to, Parker said, to cover the moment. — He is the man to defeat, the most dangerous in the country, and one of you Illinois men will have to do it. He's got Greeley thinking he's a righteous radical now. What is he hiding?

— I could tell, said Herndon bitterly. — I've been with him in all conditions and states. There's a tie between men that have been on bouts together. If I could look him in the eye, I could tell what was going on.

— There might be a sort of freemasonry in drinking, said Parker un- easily.

Herndon struggled in the abyss of shame. He clawed at the jagged walls. He had to get upright; get near to Parker's plane; shake off the curse. — Mr. Parker, he said. — I read your sermon on Providence. It is eloquent. But there is a mistake in fact there. In physiology. Beasts have pains in parturition and dentition. Excuse me.

— Let's talk about Douglas, Parker said. — I came here to get up on the inside of Western politics. You're the best man I know in that line. Can we beat him? Are you going to take him on?

— No, said Herndon with relief, sensing that he was not being judged or, if he was, not too harshly. — My pardner is.

— Tell me about your partner, said Parker.

— In appearance, he's not much except that he's six feet four high, about forty-five.

— What about his mind? said Parker.

— Works very slowly, as if it needed oiling.

— Do you oil it for him, Billy? said Parker, slipping into the nickname. It was hard to call him anything else.

— Oh, I guess I bring him to a boil more than anyone else.

— He doesn't seem much of a competitor for Judge Douglas, said Parker. — Douglas is a gifted man, low, drunken and deceitful but with brute force. Such tremendous brute force that the people will follow him in spite of themselves.

— Abe's kinda forceful.

— Does he read much? Is he scholarly?

— No, I do all the reading around that office and that is considerable. He sits there by the hour with his long legs propped up against the wall and I run on. I read him everything. Philosophy, history, law stuff. Everything in me comes out into him sooner or later.

— Likes philosophy? asked Parker trying to find some good in the man. He couldn't abide people who didn't read, especially those who considered themselves of professional status.



— Well . . . Billy said. — Sometimes when he says, Tell me about books, Billy . . . I start in on Kant or Hegel and he gets mad and says I'm rampant and spontaneous and indigestible. And then he starts telling stories.

— What kind of stories does he tell? asked Parker.

— Smoke-house stories mostly, over and over again.

— I can't understand why you're teamed up with such a man, Billy, said Parker in disgust. — You have the makings of a brilliant lawyer if you'd settle down. Why don't you leave him?

— He taught me my trade, sir. He took me in.

— I'd learn my trade from the masters instead of some lackey apprentice.

— Mr. Lincoln is all right, said Billy stoutly, — and he thinks the world of you. Billy pulled a pamphlet out of his pocket. — I read everything you write to him, letters, sermons, everything and he always listens with a great deal of attention. Look, I found this on his desk the other day.

Parker took it. It was one of his sermons. A certain passage was heavily underlined: *Democracy is Direct Self-government, over all the people, for all the people, by all the people.*

— I see you've been using me to bring him to a boil. I think you're wasting your time. He sounds like Bijie Perry out in Lexington at home.

— Is he the town lawyer? said Herndon.

— No. He's the town loafer, said Parker.

Then a silence fell between them. Billy did not know whether Parker had said that intentionally to hurt him and Parker didn't know either, but it raised a sort of wall.

The outer door opened and shut, sending a whiff of cold air across the floor. Parker saw Herndon stiffen and the air became electric as a tall, lank, woebegone individual, smothered in shawls and a beaver hat, moved cautiously and with stooped shoulders over to the desk clerk. Herndon, quite sober by now, half rose in his chair. Parker looked sharply at him and then at the slabsided ungainly man standing timidly at the desk. The man threw back one of the shawls and wiped his nose on his sleeve. Herndon sank back in his chair, his tension gone. He caught sight of the man's face and heard his voice come out with a rumble. It wasn't Abe.

— It's a Piker. Pike County man, he said as if explaining.

— Well, said Parker, divining his line of thought, — at least your Abe is smart enough to be a Republican.

— He isn't yet. But we'll get him. If you continue to write to me, we'll both work on him.



Parker gave a snort of disgust. Herndon went on defensively, — It's my fault that he isn't. I can take the blame for it, so don't go judging him. He's all right. He'll come along. When Lovejoy, the Abolitionist, was here, he held a meeting to found the new party. Lovejoy planned to have Abe speak but I got a-hold of him and sent him out into the country. He drove up to Pekin for a couple of days. I've regretted it since, but I figured it would do him harm in politics to be seen with a radical like Lovejoy. Herndon sank back in his chair in final misery. Now he had touched the bottom and told all.

— Is that why he wasn't there tonight, Billy? said Parker gently.

— Tonight he went by himself, Billy said.

Parker looked up suddenly to see the clerk pointing him out to the Piker. The man came to him with his shambling gait that had something very firm in its pressure on the ground. Without a word he thrust a piece of paper at Parker and stood watching him silently, moving his cud in spitless respect.

Parker took it. It was torn from an old schoolbook. There, written on the side margin, were these words . . . *Sir, Dan Wilcox has been sick . . . If I should not recover, I should always think your doctrine right . . . He wishes a sermon on immortal life.*

— Where is he? asked Parker.

— Oh, down Franklin way. Jes' give me somethin' with printin' on it. He'll never catch on now.

— What kind of a rig have you got? On a horse?

— Got an old sledge and two mares. Ain't much but they can travel some.

Parker started to put his coat back on. The clerk came over to him with upraised eyebrows. Parker gave him the bills from the lecture. — I'm not staying the night. Please get my bags from the room.

— Comin' along yourself? asked the man. — You don't have to. It might not be no good now.

Herndon stood and watched Parker button his coat and put on his hat. Herndon was proud of the way he looked. Like a mighty general from way off. From the plains of Tartary. Parker handed him the note and he nodded.

Parker went to lift the heavy bags but Billy took one and the Piker the other.

— Do you want me to come with you, Mr. Parker? Billy said. — We could come back to my house, then see Mr. Lincoln in the morning.

— You'd better go home and make peace, Parker said.

— I'm sorry it had to come out like this, Billy said, heaving the bag into the sledge. — I'd counted so much on this time talking to you and making of you . . . It wasn't like that at all.

— Good-by Billy, and tell Mr. Lincoln I'm not mad. I know, too, that he that spits in the wind spits in his own face.

— And you'll keep writing. You are the only man living that can hold me steady. Herndon gave him an awkward kind of a hug and knocked his hat off. — Excuse me, he said handing it back to him.

— Of course I will, Billy. You are my line to the prairies. I've written over a thousand letters in the last twelve months besides sermons and other scholar's work and I have my defense to complete . . . but I'll write as soon as I can.

He climbed into the sledge and snuggled under some old straw and buffalo robes and the two great white mares began to trot off, their fetlocks flashing like great clumps of plumage in the moonlight. He turned and waved again to Billy standing by the tavern, his hat still perched on the back of his head.

\* \* \* \* \*

When they got out of town and onto the prairie it seemed to get warmer instead of colder and the wind had a touch of gentleness at its tip. For a while the horses jogged at a smart pace but then the Piker walked them and Parker struggled up from the floor of the sledge and began to look about him. There was really nothing to look at. Everything stretched flat before them. From his seat on an upended box loomed the great gothic height of the driver. Parker thought of the tall churches in the flatland of Europe, sending their spires up to draw men's eyes away from the dreary wastes of sameness. The man's face had a gothic look about it. Parker could see the hard skull beneath the gaunt cheeks, the great holes of the eye sockets in the moonlight. The wrinkles were as strongly marked as trestles on the sallow evenness of his skin. He had a nobility to him out here, no longer clownish and clumsy but architectural, brooding with silent strength.

— Guess I won't be thanked for bringin' you down, he said finally with his slow rumbling voice. — His ma will skin me alive.

Parker said nothing.

— Dan nearly went crazy mad trying to git up to Springfield tonight. Fell outa bed four times. But everybody's a-pickin' on him and prayin' over him to repent and see Jesus and all that. I had to do it. The doctor was even prayin' on him 'stead of 'tendin' to his business.

The music of the prairie was weird and discordant in the night. The wind could not sigh in the trees and the snow didn't crackle as it did at home. It was the music of rhythm and waves. Tiny sounds out of key like the peal of bells ringing out over the air, untrapped by things rooted in the earth.

The Piker went on. — Dunno as I should be sorry fer him. He was allus aworkin' on me over your preachin'. Love, love, love, that's all he could say. You might not think I kin read, sir, but I kin. Got my own book and it's plenty good enough. La Martin's history of the Guy-rondists. But he never converted me. I'm a freethinker.

Parker smiled in the dark in spite of himself. They rode slowly a while; then the horses began to trot again of their own accord.

— You're 'bout as close as a preacher kin git to me tho', the Piker said in grudging tribute.

Finally they got to the house. It was a wretched affair from the outside, but inside it was warm and smoky. Parker stepped in with a little timidity. All eyes turned toward him at once. There were six or seven people there. One old granny was slow to see and kept repeating, — It's all on account of the corn he planted on Sunday. I told him no good would come of it.

— Hush up, Ma, said a man. — That corn came in good. The squeezin's alone were the best I ever had.

The Piker stood for a moment, rather relishing the drama of his entrance, and then said: — Wal, look what the cat dragged in.

Nobody said him welcome, so Parker went to the door of a bedroom off the smoking fireplace. He could hear someone talking in there to the boy. — Now jes' lean back, son. I ain't goin' to yell at you no more. I've told you about hell and warned you. They ain't goin' to be surprised to git you down there, you know. There's nine hundred and ninety-nine that are damned, you know, to the one that's saved. But I'd like to have you be the one, seeing as you're such a infidel I know God's got his eye on you. He wants you up there. And it's beautiful, son, over the river. You'll be so happy and you'll see your little sister that died and you won't have no stump of an arm up there. You'll get a new one and you'll be made whole.

The Piker sniffed, standing beside Parker. — Nine hundred and ninety-nine to one, he said. — No wonder they can't git no gamblin' men in the church with the like of them odds.

Parker looked up at him, shocked at his levity, but then he saw the man wasn't smiling but was just freethinking in his own way.

A handsome black-haired girl with eyes red from weeping and her dress disheveled came over to him and shouted, — See what you done to my brother, you devil. You've shut him out from God's grace. Why don't you go in there and tell him you're wrong? You're a liar! You're a liar! Her father took her by the arm and led her away. He came back and said quietly, — Would you like to see my boy?

— Yes, said Parker.

The father took him into the room and motioned for the other preacher to get out. He stood beside Parker, looking down helplessly at the patient, twisting and tossing on the sheets. — I dunno if you fellers have any words of comfort, he said sadly, — but if you have, I wish you'd say 'em. And say 'em loud so the mother can hear. He turned and left the room.

Parker stood looking down at the suffering boy. He felt inadequate. This was no place for any transcendental murmuring about love and happy spheres and freedom from fear of fearing. He could hear the household gathering stealthily about the door. He knew he had to put his own theology aside and compromise himself and tell of a real, substantial heaven.

He could do it. He had twenty languages on his tongue and could translate a heaven from all of them; could tell of angels descending the heavenly ladder; the host of myriad-glowing souls; the sparkling circles of heavenly hosts; the angel children in the shape of a rose; the saintly throng singing *Gloria in Excelsis* . . .

He laid his hand on the boy's head and said, — It's Mr. Parker. The boy looked up at him and began to whimper. Parker knelt beside him, clasping his hand.

The boy kept reaching under his pillow trying to get something. Parker saw a scrap of paper sticking out of the sheet. He read it. It said: *I die in the belief in which I live.* DAN WILCOX.

Parker touched his cheek and said, — Forgive me, son.

The boy closed his eyes. His mother shrieked. The doctor hustled in. — Asleep, he said. Parker went out into the other room. The Piker stood by the door. He was the only break in the ring of the eyes of hate.

— Don't you fear God's punishment for what you've done? said the girl to him. — I wouldn't have your soul for all the world.

Parker shrugged and said, — Do you think God is malignant and loves to torture us? Do you think that immortality is the greatest curse inflicted on mankind? Do you think your brother Dan will stop here? He lives in me and all I touch and all those that I touch, touch to the end of time.

They sat in silence before him. He looked once again at the sleeping boy and then went out into the night, not daring to say a word to the grieving mother for fear of rebuke.

He stood a moment by the sledge and then his Piker friend came to him and they got in together and rode to the railroad station at Franklin. When they got there, the train had gone. The Piker wanted to sit with him through the night until the train came at six, but Parker sent him home. This was the nearest he had got in twenty years to contemplation.

\* \* \* \* \*

On the train, after he got back to central New York, he found that his agent had committed a horrible blunder. He had to lecture on the ninth at Waterford near Troy, and then double back more than halfway across the state to Syracuse on the tenth. Then piled agony on error: he had to go back halfway to Massachusetts, to speak at Utica on the eleventh and pass through Syracuse and half the distance west again to Rochester. From Rochester he could go back to Boston and be there for his Sunday sermon; but the rising waters of the spring cursed him more than the snow, and the train could not get past the bridge at Albany. All night long he sat in the train with no breakfast, dinner or supper, and nothing but some figs and three lumps of sugar that Miss Stevenson had hidden away for such an emergency. He woke with a sharp arrow sticking into his side and the chills of a coming fever. He waited three hours for the train in Albany and got to Boston at 2 A.M. on Saturday, having had no meals since Thursday or slept in a bed for over a week.

\* \* \* \* \*

One day, late in the month of March, McDaniel ordered Tony to prepare a horse and carriage and drive him to the railroad station. He made Tony dress up in his best and eat a good meal before departing. At the station, McDaniel paced up and down a few times and then turned to Tony. Instead of dismissing him for the ride home, he told him that they were to go together to Baltimore and Tony was to be sold and go North. McDaniel's tale of liberation was roughly and scatologically put, and Tony could not respond to it with the usual prayer and blessing for the master. But it was just as good in the end as the holiest deliverance.

It was better; because, before the train had chugged more than ten miles, the passengers had got wise to the move and were loudly clamoring for the conductor to stop the train and put the boy out. McDaniel cursed them with such vigor and velocity that it sapped their energy

just to listen alone, and they could not offer any physical molestation by the time the train had arrived in Norfolk.

McDaniel left Tony on the boat wharf where the Baltimore steamer docked and went to buy a pistol. When he got back he found his boy facing an angry mob. He sent Tony below deck in the waiting steamer and began to push the mob away one by one, hitting them recklessly on the arm and back with his pistol. One decently dressed gentleman made an on-the-spot offer of fifteen hundred dollars in cash for possession of the slave.

— Git outa here, bellowed McDaniel. — I agreed to deliver that black bastard in Baltimore and I'm going to deliver him, dead or alive, if I git killed myself doin' it.

He looked up at the quarterdeck and shouted: — For Christ sake, Captain! Take your fingers out of your bum and git this old tub movin'.

The captain rang a bell and the Baltimore steamer puffed out into the Roads. McDaniel shot his pistol back into a pile of rubbish near the crowd, spattering them with a spray of filth.

He went below to his quarters, cleaned and reloaded the pistol, and stood by the door with it in his fist until they landed at Baltimore.

In the Monument City they struck out for Barnum's Hotel, which was the seat of the rendezvous. They sat for a while in a room waiting for the other party to come. The other party came in a while . . . and it was, of course, Mr. Grimes.

McDaniel was disgusted. Tony kept saying over and over again, — I told you it was Mr. Grimes. I told you it was Mr. Grimes.

Mr. Grimes explained that Mr. Stockwell had asked him to take charge of raising the funds and had been unable, at the last moment to accompany him to Baltimore. Then he tendered Mr. McDaniel a certified check for thirteen hundred dollars drawn on the best of Boston banks.

McDaniel looked at the slip of paper in stunned horror. — Jesus Christ, bleeding God, he shouted. — What the hell is this?

Mr. Grimes stated patiently that he had been unable to raise more than six hundred and ten dollars by the time to leave for Baltimore had come, and that a kindly cashier in a Boston bank had advanced the check.

— Cash money, growled McDaniel with extreme finality; and Mr. Grimes went timidly out into the streets of Baltimore to find a bank to honor the check. He found a bank at once but had no identification against the rule that a citizen of Baltimore was obliged to certify that he was the person named in the check. He went sadly back to the hotel and stopped for a moment in the lobby to tell Mr. Barnum.



— Why, Colonel Suttle needed no identification to take the boy back from the Boston Courts as a slave and now I can't cash a mere check, complained Mr. Grimes gently.

Mr. Barnum felt that the honor of Baltimore was at stake, and he went at once to the bank with Mr. Grimes and secured the cash.

McDaniel wouldn't sign the bill of sale until he had exacted another twenty-five dollars to pay for the five-dollar pistol he had bought to fight his way onto the steamer.

Mr. Grimes was grieved with this and pleaded with McDaniel to make Anthony a present of a hundred dollars with which to begin his new life.

— Good Christ, said McDaniel. — I've just peed away six hundred on him gitting from the Norfolk Dock to here.

He shook hands briefly with Mr. Grimes and jokingly made him a present of the pistol. Then he turned to Tony.

Tony looked at him with somewhat tearful eyes. He had only met one person like him before in his whole life and that person, strangely enough, was a preacher of God. But the other man had the same look in his eyes, the same thick neck and shoulders and even the thick, rough timbre of voice. He wanted to kneel and bless him and shed a tear.

McDaniel seized him roughly by the hand. — Well, so long, famine breeder! I won't have you eating me out of house and home no more. Come back next time you want a square meal.

He darted out of the door and slammed it heartily before Tony could utter a word of thanks or farewell. But before the poor man had got three steps down the hotel stairs, Mr. Grimes and Anthony were on their knees praying for him and telling God of the great goodness underneath his ornery hide.

They missed his rude offices within the hour as the hotel began to seethe with the news that Burns was there and about to be taken North. Mr. Barnum came to the room and informed them that he did not think it wise for them to tarry longer and went with them to the station for the train North. It was good of him to go with the frail mulatto preacher and the ransomed freeman through threatening bystanders on every corner.

At the station they got another check as the ticket agent announced that the railroad company required a bond of one thousand dollars to hold the company blameless for carrying Negroes. Mr. Grimes turned away from the window in despair but Mr. Barnum put up the bond and bid them Godspeed.

When they arrived in New York their troubles were over. Tony was



a celebrity, and a great meeting was organized, and he made a speech. It was a huge success. He was compared by some of the Abolitionists to Frederick Douglass when he made his first speech at Nantucket in '41. But where Douglass used to throw off his coat and shirt and show to the crowd his bare back, seamed with scars and welts, and cry it was the history of his life and a record of the slaveholder's daily exercise, Tony merely held out his wrists in a refined gesture and said, — I was kept for months with bracelets on my wrists. Not such as you wear, ladies, of gold and silver, but iron and steel that wore into the bone.

This was greatly applauded by the ladies for its dignity and restraint but the old-timers in the movement grumbled a bit and swapped yarns about the wild old times when Stephen S. Foster used to climb onto the stage with a great spiked iron collar and chain around his neck and shout that all members of the Methodist Church were whoremongers and hypocrites and that the American clergy was a brotherhood of thieves.

The newspapers printed the speech and general comment was so favorable that an agent of another Mr. Barnum, the great P. T., waited on Tony at his hotel and offered him a contract to appear at his Museum for a five-week period at one hundred dollars a week.

Mr. Grimes could not help being pleased at the success his protégé had achieved. But he was a little sad too as he prepared to bid Tony good-by and leave him to bigger triumphs.

— My son, he said gently. — In the midst of this rejoicing, I hope you will not forget to take a moment to thank the blessed Lord for bringing you out of the fiery furnance. I was troubled listening to your speech to hear you say that you were not Colonel Suttle's slave and that when he came to you in the Courthouse and you called him master, you did not do so because of ownership but because that was the common name given to a white man by the Southern blacks.

— Yes sir, said Tony stanchly. — I said that, Mr. Grimes. It's true, ain't it?

— Not wholly. You were Colonel Suttle's slave, and you called him master because of it. It's not a great point now, but I have always hoped that you would feel called upon to serve a greater Master, and I hate to have you start your new life with a denial of your earthly one.

They were sitting on a narrow bed in the hotel room. Tony stood up and laid his hand with dignity on Mr. Grimes's shoulder.

— I did not say more than my friends at the trial did. I did no more than Mr. Dana did. He said that Colonel Suttle was no master of mine

and never owned me. Who is the liar there, Mr. Grimes? Mr. Dana or Colonel Suttle?

Now Mr. Grimes stood up and looked Tony over. Tony made a fine figure of a man. Now that his bad hand was no longer needed for rough work, it hung quietly at his side, out of sight and mind.

— I guess you're more of a man than I thought, Tony. I wish you luck. But remember, if you cannot walk with humility, make the most of your pride. And now I must pack for the trip to Boston while you make your arrangements with Mr. Barnum's agent. We'll have a prayer together before I go.

— Mr. Grimes, said Tony. — I am a Baptist. What business could I have with Mr. Barnum? He means to put me up on a block and show me off like a monkey.

— So you are, my son, said Mr. Grimes joyfully. — I prayed you'd say that. In Boston there is a lady with a rare gift for you. She is offering to pay for your education. I want you to make up your own mind in this case as you did in the other, but I can think of no one whom I would rather see prepared as a minister of God.

— We'll see her, Mr. Grimes. I don't know if I can make good in this life, but I'll try.

They began to pack their things excitedly. Tony was humming a hymn. Then he stopped. — There's someone else I've got to see in Boston. Someone I've cursed more than anyone on this earth. I want to reach out my hand and strike hands with him, and give him my blessing and ease the rancor in my heart.

— That's good, my son. Give him your blessing in spite of all.

# THE TENTH ORDEAL

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## OF BITTER IRONY

*And I looked, and there was none to help;  
And I wondered that there was none to uphold:  
Therefore mine own arm brought salvation unto me;  
And my fury, it upheld me.  
And I will tread down the people in mine anger,  
And make them drunk in my fury,  
And I will bring down their strength to the earth.*

MUCH TO PARKER'S disappointment, the trial date had been changed from the anniversary of the Boston Massacre to April the third. That morning he went to Phillips's house to walk over to the Courthouse with him. He pushed open the door and walked in without knocking, as he always did there, and found his friend standing in front of the fireplace in the parlor, repairing a Dutch tile that had come loose from the brickwork. Wendell had a trowel in his hand and was scraping away the dry grits of old mortar from the firebrick. He had doffed his coat but was otherwise dressed as usual: best broadcloth trousers, frilled shirt front and soft leather shoes with the thinnest and toughest of soles.

— You look like one of Nehemiah's men at the walls of Jerusalem. In one hand they held a trowel and in the other a sword.

— Ann says a good mechanic was spoiled when I set up for a gentleman, said Wendell.

Parker looked around at the cheerless room with everything shipshape but with no touches of life, no dented cushions, no unfolded books, no ashes on the hearth. — What arrangements have you made for her in case the trial comes out badly? he asked.

Wendell stooped to a neat biscuit pan of mortar and took up a daub of it and laid it in the space meant for the tile.

— I guess she'll stay on here with the housekeeper. One year in her life is very much like another.

— Why doesn't she move in next door with Lydia? We've discussed it several times and I know she will feel welcome there. Tom's wife is an invalid too. I'd like to see them all under one roof while we're away. They'll have to bear a certain amount of public odium, I suppose. They should not be alone but be able to give comfort to one another. A pity we've given them no sons to take our places. Do you not find it strange that we three are childless?

Wendell dipped up a trowelful of mortar and with a steady hand laid it fast. Not a smidgen dropped on his shirt or caught in his sleeves, carefully turned back. — When Ann and I got married and saw the way my life was going to run, we decided that all of our family hours would be considered borrowed time, gravy from the meat of life. And that we should always be careless of the numbers of our friends, disregard popularity, and deal only with ideas, conscience and common sense. However else she thinks she has failed me, she has never yet gone back on our agreement. She has been a good wife. All our wives have been good, Theodore. They haven't made babies, but they haven't made children out of us either.

He set the tile in its center and held it lightly until the wet cement made its molding around it.

— I suppose they have little cause to complain, said Parker. — What if they had been married to an Anthony Burns and seen him taken off for life in chains to the malarial swamps?

— Oh, he's back you know. Grimes finally raised the money for his purchase. It was in the morning papers. He addressed a meeting in New York and is quite the lion.

Parker stared a moment in disbelief and then began to laugh. Wendell joined with him, taking his hand away from the tile and shaking his head in bitter merriment.

— Life has its savage little twists, Parker said. — Now if we were as wise in irony as Sophocles, we would have bought him ourselves to watch over our households while we are off in jail for saying a man cannot be bought and sold. Oh, blessed are the meek. How true that is.

In an unconscious gesture of release, he kicked the biscuit pan over and tipped the mortar onto the carpet. — Hellfire and damnation, he said stooping painfully and trying to wipe it up with his handkerchief. Phillips gently pushed him aside and with a few deft swings of the point of the trowel, he nipped the spots off the carpet and scraped them back into the pan. Parker watched him in admiration.

— You remind me of my older brother, when I was a small boy in the country working against time with a hard stint to do. How I used to long for him to come by and fix in a few moments what I took hours to do!

— If you want some help in setting your house to order, I can come over for an hour or so tonight.

— Why don't you help set my mind in order and stay with me in the Courtroom after pleading? Now, don't give me the usual platitudes of majority decisions and what not. Don't answer me at all until you have read this letter.

He extracted a piece of common brown paper from his pocket and held it out. Wendell tapped the tile a few times with the hammer, then took the letter and began to read. It had been handed to Parker in a shoddy little town in New York and it was very eloquent.

DEAR SIR,

I must say that I am veary soory that any man should be arested and brot before a court for speakeing against making slaves in yore state to send out to verginner or any whear ells. But sence it is so, I am glad that they have men as you and Mr. Phillips our veary captains of liberty of speech and men too, who can defend thear and our rights and bring up A host of liberty loving men and women to sustaine you in yore just cause.

Phillips laughed at it a bit, not unkindly, and said: — Knowing you, I should say that half the appeal in this letter is in the spelling. Could you feel so responsible to it if it were written by a merchant?

— Frankly, no.

— I gave you my reasons before, Theodore, why I cannot appear in that courtroom. We all do the things that seem most consistent with our conscience and I can see that you are as strongly impelled to remain as I am to go. But it really doesn't matter as much as you think. You are capable of speaking for all of us.

— I'm not put out at you, Wendell. But I'm getting so damned old. I'm always thinking, Well this is the last time . . . , and That is the last time . . . I hope we'll stand together again, Wendell.

— You're not old. Get that out of your mind. You're a little way over the forty mark. There is an Arabian proverb that no man is called of God till the age of forty.

— I know, said Parker unappeased. — Only I'm afraid God is calling me away.

— Let's sit down a moment, Wendell said. Parker slumped into a rock-

ing chair and worked it over the carpet to a small marble-topped table. There he leaned awkwardly forward in it and rested his elbows on the table with his knuckles pressing into his cheeks. Phillips sat bolt upright in a chair his father had bought from the estate of the American Napoleon. — Let me ask you a question, dear friend, said Phillips. — Who do you think is the greatest man of the age?

Parker deliberated quite a bit on the question. — I might surprise you, he said. — You might think I will say someone in the arts like Emerson or Carlyle; but to tell you the truth . . . if I had a son I should rather see him a great mechanic like George Stephenson in England, than a great painter like Rubens who only copied beauty.

He looked up to see if Phillips was disturbed at this. But he was not. He was waiting silently, his hands quiet in his lap. Finally Parker gave his answer. — Garrison is the greatest.

— I'm glad you said that. I was beginning to relent a little. You know I've always admired you because you do what you don't want to do. You have included this cause rather than embracing it and living it like Garrison and myself. Now you are asking me to do what I want to do, which is to stand with you, instead of joining with the others in a boycott as I have to do. You answer the question. Tell me what I should do.

Parker rocked back in the chair, away from the table. — You must follow the policy set down by your leader, of course.

— Another question. People say you are intolerant and you are, sometimes. But why do you never criticize Garrison?

— He is my parishioner. I am his preacher. I am proud of it.

— He is your enemy too, said Phillips. — It is because of him that you are to be alone at the trial. He wants to break up the Union. Your closest friends have deserted him for you.

Parker got up and stretched his arms. — Then that proves that a heretic can show people the way to the true church.

— I am the heretic in this. Wasn't it I who took you away from your great book when it was barely begun and got you to plunge into all this? I remember you called me a fool at the time.

— Yes, you can claim the honor of being first in the movement.

— If you had been first and I in your place, it might have been different. I might have made a different decision today.

Phillips stopped for a moment and then said, — You might have been the first. . . . Then he went no further with it but reached for the letter on the table. — Here, take your letter, my very captain of liberty. I know you cherish it more than your whole library of learned documents.

Parker folded it carefully and stowed it away in his bulging pockets. Phillips got up and put on his coat. Parker watched him in admiration. He slid into it with grace, causing not a ripple in the fine cloth. Once on, it hung from his shoulders like a cloak without the stresses and wrinkles that marked Parker's with such individuality that a tailor could pick it out from a thousand.

— Do you think I'm too sentimental about trifles, Wendell? he asked.

— Do you think I love things too much?

— One night last winter after I had finished my lecture an old man came on the platform and kissed my cheek. At first I was embarrassed but then I remembered that was the early custom of the old saints in the movement. Since you were a little later than I was in coming in, let me give you this belated salutation.

Wendell bent a moment and brushed Parker's grizzled cheeks with his lips.

So they set out together, this first morning of their trial. This time they had to walk past Court Square into Bowdoin Square. The indignant aldermen of Boston had finally succeeded in evicting the government from the City Courthouse and the Marshal had set up shop in an old building, once an ancient tavern, in the region of Pitt, Green and Chardon Streets. As they stepped across the threshold, bowed with the feet of countless travelers, and walked on the wide boards with the knots thrusting up like lumps on a backbone, they could hear the clatter of hammers all over the house. Parker noticed that the painters were drawing brushes loaded with bilious green paint over paneling with graining as finely marked as an old face. He liked the old wood unpainted, the deep umber tones underneath and the warm golden dust of a hundred years clinging in a friendly fuzz, catching the light as if a glass of sweet sherry had been poured over it.

Parker cast a troubled look at Phillips. But it didn't bother his friend. Phillips was a city boy, born to paint and purple, and it was just a rickety old house to him.

The Courtroom was yet unconverted. It was the old common room of the tavern, low-studded and dark with ancient beams and wainscoting. At one end a platform had been set up and a sawed-off section of an old bar put there for a temporary bench. The sun laid bright patterns on the floor, crisscrossed with the shadows of the dividers in the old windows. The monstrous fireplace still gaped like a bulkhead to hell, unsealed in the Marshal's haste to get quarters for the court in time for the trial.

There didn't seem to be enough chairs for people and Nick Queeny,



now a bailiff, was bringing in old forms and benches and setting them along the walls for the jury to use. Phillips pointed out two of the city police and Ben True of the Marshal's Guard. This meant, he told Parker, that the Batchelder case would be touched on again and that these men were here as prosecution witnesses to prove the old claim of connection between the meeting and the attack. They began to be wedged closely now as the jury came in. The lawyers came in and took their places within the bar. It was bounded by a railing newly set up of unpainted two-by-fours and it looked like a judging enclosure at a county fair. Parker did not attempt to join them as he had at Burns's trial.

Now it was his trial, but it was hard to realize it. He and the others were standing obscurely at the back in the general throng. There was no restraint or constraint put on them yet. They were free men. Not because of the old proud boast that men were free and innocent until they were proved guilty, but because they had put up bail money . . . and if they hadn't, they would have been standing there in chains just like the poorer, lesser criminals.

Parker asked Phillips when they were to present themselves for judgment. Phillips told him to wait until the indictments were read by the clerk, and then to go forward when his name was called and stand before the judges. At this moment, the judges came in, Justice Curtis and Judge Peleg Sprague, and took their seats. The crier intoned his *Oyez, Oyez, Oyez* and the trial went on.

— That one Martin Stowell, said the clerk in his occupational singsong, — *with force and arms, did knowingly and wilfully obstruct, resist and oppose the said Watson Freeman . . . Marshal of the said District, . . . in serving and attempting to serve . . . further legal process . . . in manner and form as he was therein commanded, to the great damage of said Watson Freeman, to the great hindrance and obstruction of Justice to the evil example of all others, in like case offending, against the peace and dignity of said United States, and contrary to the form of the Statute in such case made and provided . . .* Do you, Martin Stowell, plead Guilty or Not Guilty?

— Not Guilty, said Martin Stowell in a low voice, and then he turned and left the courtroom. His going caused a ripple of comment among the spectators. But then John C. Cluer listened, pleaded and left; likewise Samuel Proudman, John Morrison, Tom Higginson and Wendell Phillips. The crowd saw that it was some kind of demonstration and they began to leave too. When it came to Parker's turn to hear the indictment, there were only a few left. He stood looking Justice Curtis in the eye, but Curtis

calmly looked the other way. He turned to Judge Sprague and tried to stare him down, but Sprague was old and afflicted with cataracts on both eyes and could not distinguish Parker from anyone else. After he said — Not guilty, in a loud voice, Justice Curtis looked up at the lawyers, expecting them to begin. But Parker stood there, not knowing where to go. Nick Queeny took his arm and sat him at the end of one of the lawyers' tables. Some of the people who had started to leave came back.

The lawyers for the accused men had a common plan agreed on by all their clients. This was to attack the wording of the indictment before a jury was paneled. They had drawn up six points of exception, and Charles Ellis got up and asked the judges that they be heard, and the indictments quashed. The judges agreed to hear them, and the jury panel was dismissed. Parker sat there in wonder. Not once had he felt a sensation of being on trial. He could not understand the lightness of the touch of the arm of the law.

Just before the noon recess, Ben Hallett came in and took a seat in the courtroom. He nodded at Parker's lawyers as if he were in a restaurant somewhere. Another lawyer was assisting him in this case and he had not yet opened his mouth for the prosecution.

After the recess, Parker took his seat again and tried to listen as the lawyers presented their objections to the indictment.

Suddenly he realized that he was present at a very complex kind of tribal rite, that he was an outsider and, until the jury was chosen and charged, he was less vital to the trial than the women who swept up the courtroom.

The next day he brought a collection of sermons he was making ready for the press and wrote out an introduction. By now, scarcely anyone sat in the spectators' area. His own lawyers walked out from time to time during the arguments for cups of coffee or to do some domestic task. It was cut-and-dried, and he was beginning to feel like a fool.

At last, on the third day, the arguments for exceptions were in and the judges withdrew to deliberate. Ben Hallett had replied and disagreed with the arguments, but in a calm manner, unlike himself. Parker began to feel he was the victim of a practical joke, played on him by his friends and enemies in concert.

But about two o'clock on the third day the courtroom suddenly began to fill up. A full battery of reporters arrived. There were reporters from Greeley's *Tribune*, from the *Democratic Post*, the *Whig Advertiser*, the pro-Catholic *Courier*, and the anti-Catholic *Bee*. Parker looked around at them and his spirits began to rise. He remembered how Phillips once had

been howled down by a mob and had stepped over to the reporters saying, — When I speak to these pencils I speak to millions of men. Whether they like us or not, they know what we say will sell their papers. All hail and glory to Faust, for he made mobs impossible.

Parker looked down at the printed sheets of his defense. Now he would start to memorize as much as he could of it so as not to stand before the jury with a paper in his hand.

. . . You know my offense, Gentlemen of the Jury. I have confessed more than the government can prove. Gentlemen, we have much to lose . . . ease, honor, money, liberty . . . if this court has its way. Life itself, perhaps, for one of the judges, himself of the family which preserves this Union by kidnaping men, counts it a capital crime to rescue a victim from its hands. And Mr. Hallett, when only an expectant of office, declared if a man resists the law and obstructs its officers, it is treason and he who risks it must risk hanging for it. No, gentlemen, we have not done what we did for selfish or wicked motives. I had nothing to gain. Nothing, I mean, but the satisfaction of doing my duty to myself, my brother and my God. No selfish duty could move me to such conduct. *Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me.* . . .

The judges came in and everybody rose. It was the moment now. Ben Hallett looked around to see if his witnesses were ready. The bailiff went to assemble the jury. Justice Curtis began to read from his notes.

— Exception One, denied without comment; Exception Two, denied; Three denied, Four denied, Five denied. The sixth exception, that the court could not construct the jury roster and return the jury from a portion of the district, is left pending, as the court does not wish to render a decision at this time.

The lawyers for the defendants began to confer anxiously. Ben Hallett beamed. The crowd stiffened; the pencils of the reporters scribbled the judge's words and then stopped expectantly. Parker began leafing through his defense; it was a regular octavo volume. He paused at the last two pages. These were what he had to say above all. These he could say without study, without reference, like one of his prayers. If the jury didn't understand him after this was said he would gladly swap a cough for a halter.

I love my country [he mumbled to himself], my kindred of humanity; I love my God, father and mother of the white man and

the black; and am I to suffer the liberty of America to be trod under the hoof of slaveholders? I was neither born nor bred for that. I drew my first breath in a little country town not far off, a poor little town where the farmers and mechanics first unsheathed the revolutionary sword. One raw morning eighty years ago the nineteenth of this month, Hancock and Adams were both in Lexington; they also had obstructed an officer with brave words. British soldiers, a thousand strong, came to seize them and carry them overseas for trial and so nip the bud of freedom opening in that early spring. The town militia came together before daylight for training. A great tall man, their captain, marshaled them into line—there were only seventy of them—and made them load their pieces with powder and ball. . . . I will order the first man shot that runs away, said he when some faltered. . . . Don't fire unless fired on, but if they mean to have a war, let it begin here. . . . Gentlemen, you know what followed; those farmers and mechanics fired the shot heard around the world. A little monument covers the bones of such as before had pledged their fortune and their sacred honor to the freedom of America, and that day gave it also their lives. I was born in the little town and bred up amid the memories of that day. When a boy my mother lifted me up, one Sunday, in her religious, patriotic arms and held me while I read the first monumental line I ever saw:—SACRED TO LIBERTY AND THE RIGHTS OF MANKIND.

—Gentlemen, the Spirit of Liberty, the Love of Justice, was early fanned into a flame in my boyish heart. That monument covers the bones of my own kinsfolk; it was their blood which reddened the long green grass at Lexington Common. It is my own name that stands chiseled on that stone; the tall Captain who marshaled his fellow farmers and mechanics into stern array and spoke such brave and dangerous words as opened the War of American Independence, the last to leave the field, was my father's father. I learned to read out of his Bible, and with a musket he that day captured from the foe, I learned another religious lesson, that REBELLION TO TYRANTS IS OBEDIENCE TO GOD.

He stopped suddenly. The lawyers were looking at him. He laid the page aside.

Congressman Hale rose and asked the court's permission to speak on the last exception.

—The court does not wish to hear counsel at this time, said Justice

Curtis. — The court has reached an independent conclusion that there is a flaw in the indictment. It states that Edward G. Loring is a commissioner of the Circuit Court of the United States, but it does not specify that he is a commissioner empowered to set bail and commit a prisoner. There are two classes of commissioners, one empowered under treaties to extradite prisoners to foreign countries, as well as the first-named. It is not clear on the face of the indictment to which class of commissioners Edward G. Loring belongs.

— Your Honor, said Ben Hallett. — This court has personal knowledge that Judge Loring is of the proper class of commissioners, as he was appointed one by this very court.

Justice Curtis looked dreamily out of the window and then said: — That is true, sir, but the Appellate Court has no such knowledge, and they would on appeal find the flaw. Therefore, if it is wrong in the higher court, it must be wrong here also and we order the indictments of the defendants to be quashed.

— Nol pros, your Honor, said Ben. — I insist on the right to nol pros these cases.

— It makes no difference to this court what entry is made. If the District Attorney wishes to enter a nolle prosequi it is so entered and the prisoners discharged.

Parker up to this time had been like a naked man walking on smooth sand in shallow waters, striking out for the deeps where he could immerse himself and swim and pit his strength against the great strength of the sea. He accepted the impersonal calmness of the judges and lawyers; wondered a little, but not much, at the contrast of his trial and Burns's with its object chained and in the dock, surrounded by sixty ruffians from the rumshops and brothels. He had told himself that he was in a Circuit Court . . . a circuitous court . . . and that after a few hours of wading down the gentle ramp of procedure he would step off into the channel of judgment and sink or swim as his own strivings would decide.

But now, suddenly, he was out on a sandbar, stark and comic without a chance to test himself, to be decisive or to break this clinching rivet in the chain of anticlimax.

He whirled around to face the rear of the courtroom. They were laughing back there. He rose angrily to his feet, his hand on the useless pages of his defense. Why was it such an enormous joke, why were they slapping one another on the back? He felt like running over to them and throwing the papers, the product of such toil and anguish, so many coughs, so many night sweats, in the grinning faces. And now did he have

to face public ridicule on top of everything else, an affliction he had never endured up to now?

Charles Ellis caught him by his sleeve, — What's the matter? he said. — We've won a great victory!

— Then why are they laughing at me? said Parker.

— At *you*? Why should they laugh at you? They're laughing at Ben Hallett. He drew up the indictment. It's a slap in his face.

Parker turned and saw Ben standing too, also like an animal at bay, glaring at the jackals that turned their grinning teeth against him. Ben walked slowly over to the makeshift rail of the bar and faced the jeerers. Like a great mettlesome bull on display at the county fair, he pressed his belly against the barrier until it creaked and threatened to give way. The crowd began to draw away from him, hooding their laughter in their hands.

Parker, feeling that they were unhappily linked in a common failure, went to him with his hand outstretched; but Ben tossed his head angrily and said, throwing his voice to the crowd: — Well, Mr. Parker, you've climbed through a pretty small hole this time.

— I'll make a bigger hole next time, Mr. Hallett, Parker said. He ducked under the railing and pushed through the crowd, ignoring the congratulations, trying to shut out his feeling of defeat, so childish and egotistical. In the hallway was a circle of men which included the radical aldermen of Boston. And in the center of them stood a short, spiky kind of man with a great hook of a nose and tiny browless eyes. He wore the square paper cap and white apron of a printer. When he saw Parker, he shook his nose at him like a scimitar. It was Jock Metcalf, the printer.

— What about the defense? Why in God's name did you have me botching my eyes over that towzie scribbling of yours and then not speak a word of it?

The man was so indignant, his face so inflamed and his voice shaking with such rage, that Parker began to laugh. — Don't worry, Jock, I'll publish it anyway.

— Good, said Alderman Williams. — I'll buy the first copy and send it to the judges to read.

Jock cocked his head to one side like an irritated parrot. — And don't that gawkie know that they've read it already? They must have got ahold of one of the proofs! I'm positive we'll be missing one of the proofs.

— Whether they read it or not, said the alderman, with as much dignity as he could muster in the face of Jock's ridicule, — they never could have made this decision today if Mr. Parker had not stayed in the courtroom

instead of leaving with the others. They owe him their thanks that they're not in jail for a year. Although I doubt that they'll ever give it to him.

Parker tried to smile as the other aldermen hemmed and hawed their agreement to this. They held out their plump white hands to congratulate him. He walked perfunctorily through the group, pressing their palms lightly, joylessly and without conviction. In these handclasps there was neither judgment nor atonement but just another gantlet of anticlimax. As he murmured and smiled to the last of them he looked up at the doorway. The day was still bright and bland there.

Something moved into the frame of light, something black. Something gaunt and dead-black, accusatory; a six-foot exclamation mark. He went toward it with his hand outstretched, hoping one would be lifted to meet it, one like a gnarled root with a great humped-up bone sticking out of the back, and the red chlorophyll of a scar spread over it.



## C O D A

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*How long will ye vex my soul,
And break me in pieces with words?
These ten times have ye reproached me:
Ye are not ashamed that ye deal hardly with me.
And be it indeed that I have erred,
Mine error remaineth with myself.
If indeed ye will magnify yourselves against me,
And plead against me my reproach:
Know now that God hath subverted me in my cause,
And hath compassed me with his net.
Behold, I cry out of wrong, but I am not heard:
I cry for help, but there is no judgment.*

FOR A MOMENT they stood together on the steps of the Circuit Court. They had touched hands but not joined them. Parker didn't know whether Tony had pressed so weakly and withdrawn so quickly in shyness or in still-abiding resentment. Together they walked to the curb. A shiny black hack was standing there. Tony stood on the sidewalk with his hat in his hand, his tongue tied in embarrassment and on his face the look of a man standing watch over a painful duty.

Parker looked sadly at the reflection of his own face in the well-polished lacquer of the carriage frame. It was hard for him to acknowledge it now: pinched and drawn, the eyes losing their brightness, the pupils unnaturally dilated, cutting in half the bright green ring of the iris where the yellow flecks used to move like fish in a shallow, sunlit pool. He remembered the crisp, scornful words of Dr. Bowditch. — There isn't as much in that eye business as some doctors say. I judge more by the full face. I saw the consumptive look on that poor Negro in the Courthouse.

He looked quickly up at Tony's face, away from the gloss on the kept pelt of the black horse and the shining wax on the carriage frame. The

black of the man's face sent back no light, soaked it up in its starving pores. It was a sick man's face.

With a wave of one arm he rejected the hack, with the other he turned Tony in the direction of Haymarket.

— Have you seen Deacon Pitts? he asked as Tony awkwardly fell into step with him.

— Yes sir.

— And Mr. Grimes and Mr. Dana? And Mr. Phillips?

— Yes sir.

— Paid all your duty calls and left me for the end. Well, I'm happy to see you. The present circumstances are a mite bleak, but not to be compared with your day in court.

— No sir. Mrs. Parker told me where you was. I didn't know about your trouble.

— It wasn't too bad. I wanted to put them on trial but . . .

He looked at Tony again, wincing at his gauntness, trying to hear the texture of his breathing. They were now crossing Adams Square, in sight of Faneuil Hall. Parker paused a moment, took a step in its direction, thought better of it and continued on to State Street. — Have you been on your Via Dolorosa?

— Pardon me? said Tony.

— Do you like to walk, Mr. Burns? You should walk a great deal and take deep breaths and so on. You may have suffered from your confinement.

— My health is fine, Mr. Parker.

— Would you like to go by the Boston Courthouse?

— That's a place I want to keep away from, permanently, said Tony with a smile, not knowing he was taking part in a ceremony of atonement. But the smile helped to ease the constraint between them and Parker stopped a peddler with a handcart and bought two shiny apples and gave one to Tony.

Tony held it in his hand, wondering what to do with it, walking along a main street in the Athens of America, dressed in a new frock coat and accompanied by a great scholar. He saw Parker bite into his with strong yellow teeth. — Maine apple, Parker said, — a little dry. I can tell in a bite where any apple comes from, like a vintner with his wine. It all depends on the soil and its cultivation. Or perhaps its lack of cultivation. In Italy every inch of the earth is cultivated; not with a plow as we do, but with hoe and spade even where grain is sowed; and their apples are poor, close-grained, tough and indigestible.

Parker looked up as a well-dressed man came toward them. He started to smile but the man turned sharply to the curb and crossed to the other side of the street. Tony heard Parker let out his breath in a sad little sound.

— One of my old school chums. And now he crosses to the other side of the street so he will not have to speak to me.

Tony dropped his apple untouched into the gutter but Parker took another big, crackling bite.

When Parker threw the core away he said, — I want to take you up to the Music Hall for a moment. There is something there that I have been wanting to show you for a long time.

At last they passed through the Winter Street passage into the Hall and went first to Parker's office. He gave Tony a chair and then began rummaging about behind a row of books. He pulled out a stethoscope, placed the earpieces properly, opened his coat and sat quietly with his legs spread apart, sliding it at random over his chest. Tony watched him, his brow wrinkled over the complexities of this man.

— I have to hide this, Parker said as he took it off, — like a drunkard's bottle. My wife doesn't like to have me do it in the house; and besides I feel a little ashamed of my illness, as if I had wrecked an estate. But everyone must have his lares and penates, his household gods, and it is not my fault that mine are *râles* and bronchi.

He pushed the stethoscope out of sight behind the books. He spoke this time more quietly, hoarding his voice. — My gods are not gods at all but demons, and they are multiplying like rabbits. I suppose you think I do this to cheat the doctor, but I have six of them and although they disagree in everything else, they all say I am in my grave up to my chin and want me to shut up shop and get out of here.

— Perhaps you should, sir, if you're sick.

— No, no, I must work. I must save from waste a few things half done and finish one or two more which no one else can.

Parker was sitting in a somewhat slumped position and he straightened up, painfully arching his back. — When I sit like this, for instance, I feel something sticking together in my entrails. If I told the doctors about it they would call it an adhesion of the pleura and put me to bed for six months. Tending it myself, someday I will take a big breath and break it loose. The whole truth of the matter is simply that I'm a very tired man.

Tony stood up. — I'd better be going, sir.

— Wait, I haven't shown you what I brought you here to see. This way. He pointed out a short flight of stairs and together they walked onto the stage of the Music Hall. Tony lifted his eyes to the sixty-five-foot ceiling,

turned them from side to side at the seventy-eight-foot breadth, and then to the back wall one hundred and thirty feet away. To him it was a house ten houses high, ten houses wide and a hundred houses deep, reckoned by the proportions of the rooms that had been around his humble existence.

— It doesn't look like much without the people in it, Parker said.

But the bareness of the huge confined space filled Tony with awe. From the crescent-shaped windows fifty feet up on the wall came great drives of prism-shaped light, hitting the floor in harsh pools while myriad dust motes sped like arrows upward into blindness. As he followed Parker to the preaching desk at the center of the stage their footfalls echoed as if they were in a great deep cave.

— They want me to give it up and take a smaller hall to save my voice. But I will stay here as long as I am a target and then they'll have to carry me out.

Someone was fingering the organ keys. Parker looked back at the screen in front of the organ. — That's Eben Tourgee. He wants to start a conservatory of music here. He'll just play a few scales, up and down, to make his fingers nimble.

The great statue of Beethoven stood in front of the screen. — There is my colleague, pastor with myself. See how firm he stands, the archetype of a man organized for use. So I have tried to be an organizer of matter, or men, into forms of use and beauty. But I have made myself more of a target than a teacher. There is a revival going on and all the orthodox churches have their guns pointed this way, ready to pour concentric fire into this pulpit. They want me to go away, even to die, so that they can say it is God's punishment on me for speaking against a religion whose emotion is fear and despair before God and hate before men: whose ideas are that man is a worm and God a great ugly boot, lifted up to tread him down with endless crush of misery.

The organist was not playing scales at all but incessantly the wild racing treble run which comes near the end of Bach's Fugue in D Minor.

— I have never faltered in this or any other fight except the night your freedom was at stake at Faneuil Hall. Look about you, Mr. Burns; there are over forty doors here. In Faneuil Hall there was only one. If the meeting had been held here I could have led; back there a tide seethed before me and the rescue we had planned. I was out of my depth. I was the one that failed that night and I alone. I have brought you here to show you my only excuse. Forgive me for the trouble you have endured. Here you see the climate that might have saved you.

He unbuttoned his coat again, thrusting out his chest as if he were gasping for breath, to break the constriction inside.

— I'm going out West to Oberlin College, blurted Tony. — I hope to be a preacher. I hope you don't think hard of this. I know my learning is bad. Some people think I could do good in the name of the Lord. I guess even a man as ignorant as me could do some good in the heathen nations, 'mongst the savages?

He paused and looked anxiously at Parker. There was no reply. — I wish I had your power of speech, he said lamely.

Parker's answer was belligerent. — You have a greater power than I have. Not among the heathen but with your own people in the South where such as I cannot hope to go. Your voice comes from the ground, straight to the level of their ear.

He said this with such assurance, such demanding acceptance, that Tony could not help but smile and say in his humble way, — Who knows if the Lord is going to make of me a Moses?

The sweet shrieking pipes held their retarded gust and the organist, finally satisfied with the tempo of his approach, spread reaching hands and feet into the ringing themes that swept over the keyboard in a race. The wide web of sound blew like a wind at Parker's back and he stood erect again filling his lungs, feeling the membranes fighting against the cleavage.

— Then I will take that for your forgiveness, he said.

— Forgiveness? questioned Tony. — Could I harden my heart against a man who has been given the name of traitor for my sake?

— That was nothing, said Parker, pitching his voice against the timbre of the organ. — Let them call me a traitor. We come from a rebellious nation, our whole history was treason, our blood was tainted before we were born. Our creeds are infidelity to the mother church. Our Constitution is treason to our fatherland. What of it? Though all the rulers in the world bid us commit treason against man, and set the example, let us never submit.

He brought his hand down on the Bible on the preaching desk.

— What of the treason of the prophets? Was not Elijah false to King Ahab and his painted Jezebel?

He turned and looked with annoyance at the organ pipes, now massing long unfurling waves of sound that rolled and crashed against the high walls, bounding back in thunder from the fifty-foot cornices. — We'd better wait out the voice of the whirlwind, he said, turning the Bible open to the rhapsodies of the prophets.

Tony looked again at Beethoven. He was unaccountably raised into a measure of exaltation and he wanted to freeze it into his eyes and ears. In his innocence and with his tribal heritage, the bronze god of sound had twice the power of the soft compliant baby god and mother god of his faith. And like was the power of the naked head of the man at his side, round and clear as the skull beneath it, with the flesh wasted away to a skin's breadth. And he was responsive, too, to the themes in counterpoint, as rich and disturbing as the exhortations of the man beside him. Had not the drumbeats of Tony's fathers surpassed these in complexity? When it came to its end, he heard Parker cough.

— This is my sin, said Parker softly, spreading his finger over the pages. — Besides the felony against our bodies the event did something bad to my spirit. I hated the tensions and disturbances created by the weak being driven against the wall. And I must confess thinking it a pity that a people so ignorant and degraded should be the means of tearing this nation apart . . . this because of my resentment at being forced from my chosen role as a scholar and philosopher and being unable to finish and publish my book. I thought you were all too speechless and submissive, forgetting that your story can only be told in outbreaks and revolutions . . . forgetting that such times gave the brave men who wrote the Old Testament the terrible truths, judgments and revelations that others dared not tell.

He spread his legs wider apart, the muscles of his left arm knotted as he took hold of the edge of the preaching desk with his farmer's plow-handle grip. His right hand he stretched toward Tony.

— But if it were not for these things, these events, there would be no Theodore Parker at this desk and no Anthony Burns on his way to Oberlin College. And my hand would not be reaching now for yours, and nowhere, nowhere in the world would there be FAITH IN MAN.

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